

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME II

MILLENNIUM HOTEL  
ANCHORAGE, ALASKA

MAY 20, 2004  
8:30 o'clock a.m.

Recorded and transcribed by:

Computer Matrix Court Reporters, LLC  
3522 West 27<sup>th</sup> Avenue  
Anchorage, AK 99517  
907-243-0668  
jpk@gci.net

1 P R O C E E D I N G S

2  
3 (Anchorage, Alaska - 5/20/2004)

4  
5 CHAIRMAN DEMIENTIEFF: Okay. We'll go  
6 ahead and call the meeting to order. I'm not sure  
7 exactly what was accomplished, but as we begin this, we  
8 do want to point out one thing, that there is a  
9 delegation of authority in place already. So this is an  
10 attempt to modify that, but I'm going to call on Dan to  
11 see exactly where things ended up last night, or  
12 yesterday afternoon.

13  
14 MR. LAPLANT: Thank you, Mr. Chairman.  
15 Good morning, everyone. Mr. Chairman, we didn't have a  
16 real organized meeting yesterday after the Board  
17 adjourned, but several of us stayed around and talked  
18 about the issue, continued to discuss it until -- I was  
19 here until the last person left, so I think everybody had  
20 a chance to talk as long as they wanted to.

21  
22 So what I suggest that we do to move  
23 forward on the issue is, first of all, Chuck Ardizzone  
24 has got the answer to the question that Mr. Paul Tony had  
25 yesterday about how OSM has implemented the current  
26 authority in the past few years, so I'd like to have him  
27 answer that question first. And then I've asked Gino  
28 Delfrate from ADF&G to talk about the lynx harvest  
29 tracking strategy and to kind of explain the elements of  
30 that, and how local input is involved in developing the  
31 annual recommendations. And then after that I've got  
32 some answers to some of the other questions or concerns  
33 that were raised yesterday, and some options for the  
34 Board to consider, Mr. Chairman.

35  
36 CHAIRMAN DEMIENTIEFF: That's fine.

37  
38 MR. ARDIZZONE: Mr. Chair, Chuck  
39 Ardizzone. This morning I went to work early and got  
40 together the changes in the Federal lynx trapping  
41 regulations from 1998 to 2000, which you should all have  
42 a handout on your -- in front of you. It's basically  
43 just a list of the units and the changes that we've done.  
44 The changes are highlighted in bold, and crossed out is  
45 what we changed it from. If there's any questions, I'd  
46 be happy to answer that, but this should answer what  
47 we've done since '98 to last year.

48  
49 Thank you, Mr. Chair.

50

1 MR. BOYD: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Go ahead. Tom.  
4  
5 MR. BOYD: Mr. Chair, if I could just ask  
6 Chuck to briefly, very briefly summarize that, basically  
7 highlighting the kinds of changes that have been made.  
8  
9 MR. ARDIZZONE: If you look at the  
10 changes on that sheet, basically we've just changed  
11 season dates to coincide with lynx populations  
12 fluctuations, and we really haven't changed any limits  
13 since '98 at least. It's really just an effort to keep  
14 the low point of the cycle from getting driven too low,  
15 which would take it -- this population longer to recover.  
16  
17 MR. EDWARDS: So if I -- I understand  
18 that, I mean, for example, in 1998, what you did, based  
19 upon the data coming in, you made the decision to extend  
20 the season from February 15th to February 28th, because  
21 it -- because we started out with it being stopped at  
22 February 15th. As the season progressed, the data came  
23 in through this data base, you said it looks like we can  
24 allow additional days, and so you made -- that decision  
25 was made and went out and allowed people to trap those  
26 additional days?  
27  
28 MR. ARDIZZONE: That's correct.  
29  
30 MR. EDWARDS: Okay.  
31  
32 CHAIRMAN DEMIENTIEFF: Okay.  
33  
34 MR. DELFRATE: Thank you, Mr. Chair and  
35 members of the Board. Dan LaPlant gave a pretty good  
36 synopsis yesterday over the lynx harvest tracking  
37 strategy. I'll try not to repeat some of that  
38 information. I'll be brief in the interest of time, and  
39 answer questions if there are questions, and I'll try and  
40 touch on some of the points that I heard raised yesterday  
41 to maybe answer a few of those questions.  
42  
43 But in essence, the lynx harvest tracking  
44 strategy is very similar to other harvest tracking  
45 strategies that we use for other species. We actually  
46 manage mountain goats in the same way. And it's a  
47 concept of following the population and trying to harvest  
48 a sustained amount of animals off of that population.  
49 We're not trying to manage for a static level of  
50 population.

1                   With lynx it works really good in that  
2 lynx are very cyclic, and they follow the hare cycle, and  
3 in this case it's a predictive situation where we can  
4 follow the hare cycle and predict what the lynx are going  
5 to do population-wise. And so when the hares crash, we  
6 know that we have about two more years of trapping that  
7 we can allow on that population without necessarily  
8 hurting the long-time viability of the species, and then  
9 allow -- and then we cut back on the harvest pressure  
10 through restriction in trapping seasons and maybe bag  
11 limits, and reduce the pressure on that. The ultimate  
12 goal is to try and protect a few animals during the low  
13 part of the cycle so that we have breeding animals to  
14 repopulate once the hares start back up in their cycle.  
15

16                   This was first created or first devised  
17 for lynx in Canada, and in 1998 the Department adopted  
18 this strategy for much of Southcentral Alaska, and we've  
19 been using it ever since. While I was a biologist on the  
20 Kenai Peninsula, we used it, and now in my position on  
21 the -- in the Matanuska Valley, we use it up there.  
22

23                   One of the I think important components  
24 of this, it's considered an expert system model in that  
25 -- and we consider everybody's input part of the expert  
26 input. We cannot make decisions until we first talk to  
27 our trappers, and so the input that we get based on hare  
28 cycle, on lynx cycles, on number of animals out there, we  
29 gather all that information from the trappers themselves.  
30 In most situations, I think there's only one place that  
31 I'm aware of in Southcentral that actually collects hare  
32 information, where they go out and they trap snowshoe  
33 hares to get an index of their population estimate. The  
34 rest of the State, we rely on trappers, to see how many  
35 lynx on your line. Have you seen lots of tracks? Do you  
36 think bunnies are coming up? And the trappers will give  
37 us all that information, and we'll consolidate that  
38 information.  
39

40                   We'll also look at the biological side of  
41 the lynx. We measure the lynx that are sealed, and we  
42 get an indication of the percentage of kittens, the  
43 percentage of females in the harvest, and once we gather  
44 all that information, we put it into a matrix in a  
45 computer, and we pretty much know already that, okay,  
46 lynx numbers are going down. Hare numbers have crashed.  
47 Maybe we should be backing off at this time, and so the  
48 recommendation comes out, you know, do we completely  
49 close the season, like we have done on the Kenai  
50 Peninsula, and also in the Matanuska Valley right now, or

1 do we shorten the season like we have done in some of the  
2 areas.

3

4 That kind of becomes a give and take  
5 between the area managers, and it's based on the  
6 information that came to them through the past trapping  
7 season. Once we have all that information, then we make  
8 the recommendation to shorten our season or change our  
9 season, and it's my understanding that this Board has  
10 done the same thing and followed the State system for --  
11 since the mid 90s.

12

13 I'll stop there. I'll answer any  
14 questions, if you have questions, and hope that helps

15

16 MR. BISSON: Mr. Chairman, I have a  
17 question.

18

19 CHAIRMAN DEMIENTIEFF: Go ahead.

20

21 MR. BISSON: What is the timing of these  
22 decisions that you're making? When does -- when do you  
23 get the data in, and when do you make the decision on the  
24 next season?

25

26 MR. DELFRATE: Thank you, Mr. Chair. We  
27 are just in the process of finalizing, or we just were in  
28 the process of finalizing our decision for the next  
29 trapping season with the information that we just  
30 gathered within the last couple months. Most trappers  
31 wait until the end of the season to bring in their furs  
32 to seal, so we usually are gathering information in late  
33 January, February, based on population status. We just  
34 went through this exercise I think within the last two to  
35 three weeks where we've been revising what we want.  
36 We're also trying to make our printing deadline, and our  
37 printing deadline for trapping regulations is real close  
38 to right about now, and so we try to get everything  
39 together just before we go to press so that we have these  
40 regulations in the trapping regulation book. And the  
41 actual emergency order that changes the season is written  
42 sometime between now and July.

43

44 MR. BISSON: Mr. LaPlant, what is the  
45 timing of the decisions? You know, you've listed a  
46 number of decisions that were made in '98 through 2002.  
47 When did OSM -- what part of the year did OSM actually  
48 make those decisions and advise the trappers what that  
49 was going to be?

50

1 MR. LAPLANT: Thank you, Mr. Chairman,  
2 Mr. Bisson. Now, the process, and the timing for the  
3 Federal decision is that once we receive the information  
4 and the summary of data from the State, and in their  
5 coordination with the trappers, we look at that  
6 information and we prepare an analysis, a proposal  
7 analysis to make whatever changes are. We compare that,  
8 those changes, with the current federal regulations, and  
9 determine what changes would be necessary under Federal  
10 regulations. And we do an analysis document to explain  
11 those changes, and the justification. We look at the  
12 lynx strategy that the Department used, and we look at  
13 the numbers and see if we agree. We do the coordination  
14 wit the local Federal managers, BLM, Park Service, refuge  
15 managers, and do that local coordination, and then we  
16 make the final recommendation for Tom's decision. We  
17 usually do that, again, in late May, early June, and try  
18 to get that accomplished so that it can go into our  
19 regulatory books that come out the first of July.

20

21 MR. BISSON: Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Okay. Dan, you  
24 had some other points you wanted to bring up?

25

26 MR. LAPLANT: Yes, Mr. Chairman. I just  
27 wanted to respond to some of the other comments that were  
28 made yesterday. One of the comments was made that --  
29 whether the Board should be giving delegated authority to  
30 the OSM and whether it's setting a precedent. So I  
31 handed out earlier a table of all the delegated  
32 authorities that the Board has given out over the course  
33 of the program, and there's about three pages of those  
34 delegated authorities. That's a table that I created  
35 actually about a year ago, so it's not totally updated.  
36 There are, for example, two more delegated authorities  
37 that are on the consent agenda at this meeting. Those  
38 delegated authorities are requests from Copper River  
39 Native Association to provide BLM with authority to issue  
40 culture camp permits for Ahtna Culture Camp, and the  
41 Hudson Lake Cultural Recovery Camp. So there's two more  
42 delegated authorities that will go on there. And then  
43 the one you see lined out was one that the Board had  
44 modified last August when they took the repeat culture  
45 camp authority from OSM and gave it to the local field  
46 managers. So as a result of that, there are two of them  
47 that have gone to district rangers in Southeast for some  
48 other culture camps. So that's a pretty complete list of  
49 delegated authorities, and you see that OSM has been  
50 delegated some authorities, as well as several field

1 managers.

2

3                   The regulation in Section .10(d)(6)  
4 states that the Board may delegate to agency field  
5 officials the authority to set harvest and possession  
6 limits, define harvest areas, specify permit  
7 requirements, and open or close specific fish or wildlife  
8 seasons within frameworks established by the Board. So  
9 the table that you see there has those delegates  
10 authorities in it.

11

12                   Your framework that would be related to  
13 this proposal is the window that's mentioned in the Staff  
14 Committee recommendation. OSM wouldn't be able to extend  
15 that season beyond I think it's November 10th to February  
16 28th. That window or that framework is actually in the  
17 lynx tracking strategy, that's why it wasn't stated  
18 specifically in the original proposal, but the  
19 modification from the Southcentral Council clarifies  
20 that, and it states that in the modification. So anyway  
21 that's the framework that would go along with this  
22 delegated authority.

23

24                   And probably the question is whether OSM  
25 fits the definition of an agency field official, and I  
26 don't have the answer to that. but that's for the Board  
27 to decide I guess with legal counsel.

28

29                   But another comment that was expressed  
30 yesterday was asking for a legal review. I heard that  
31 mentioned, that maybe there should be a legal review of  
32 this. And I just also want to repeat what I said  
33 yesterday, is that this proposal was a result of a  
34 recommendation from the Solicitor's Office Staff to move  
35 this delegated authority from the special action  
36 regulations to Subpart D regulations, because they felt  
37 it was more -- a more appropriate place for those  
38 regulations, and it would put this delegated authority in  
39 the same place in the regulation book as many of those  
40 other delegated authorities that you see on that table.  
41 So it was based on that recommendation.

42

43                   Another comment that was made was that if  
44 this delegated authority was given, it would result in  
45 the public being left out of the process. I'd like to  
46 say that the delegated authority is to allow for timely  
47 adjustment of these seasons, and it doesn't preclude  
48 anybody from submitted an RFR or a special action request  
49 or a regulatory cycle proposal if they don't agree with  
50 any of the decisions that's made through this delegated

1 authority, so it doesn't leave anybody out of, or prevent  
2 anybody from being involved in the decision-making.

3

4                   And again, as we develop these  
5 recommendations for Tom, we do the local coordination  
6 with the local Federal agencies, so there is that  
7 coordination that takes place.

8

9                   So anyway three options that I guess we'd  
10 throw out there for the Board to consider, the first  
11 option would be if you reject the proposal, and the  
12 result of that or the effect of that would be that we  
13 continue to operate the way we have been, using the  
14 delegated authority under special action. And the  
15 problem with that though is that the time it would take  
16 to do the necessary public hearings and announce those  
17 public hearings for those actions that would extend  
18 beyond 60 days. Some of them don't go beyond 60 days,  
19 but some of them do. For those to go through that  
20 process, we would likely not have that change in the  
21 annual regulatory book. So it's likely that some of the  
22 regulations would never be current in the annual reg  
23 book, so we'd have to disseminate that information out  
24 every year to trappers through special news releases or  
25 supplemental regulation books. So that -- you have that  
26 option.

27

28                   The other option would be to delegate the  
29 authority to individual agencies, but because we're  
30 talking about an area from the Kenai Peninsula over to  
31 Cordova, on up to Fairbanks, all the roaded areas in  
32 Southcentral and Interior Alaska, it would involve  
33 several agencies, so it would involve a lot of  
34 coordination. You could delegate it to one or two  
35 agencies that would have to do that coordination. OSM  
36 does that coordination through the analysis development  
37 process. But that is an option if the board chooses.

38

39                   And then the third option would be to  
40 adopt this proposal as recommended by the Southcentral  
41 and Eastern Interior Regional Advisory Councils, with  
42 additional modifications to specify that the authority  
43 applies only to trapping regulations, and that was a  
44 shortcoming on our part. We should have specified that.  
45 That was our intent to begin with, that it would only  
46 apply to trapping. And then to require that OSM consult  
47 with the Chairs of the Regional Councils as these annual  
48 changes or annual adjustments are made, Mr. Chairman.

49

50

MR. TONY: Mr. Chairman.

1 MR. LAPLANT: I guess I'd.....  
2  
3 CHAIRMAN DEMIENTIEFF: Okay.  
4  
5 MR. LAPLANT: .....just like to add to  
6 that the OSM recommendation is to go with option number  
7 3.  
8  
9 CHAIRMAN DEMIENTIEFF: Thank you.  
10 Additional discussion. Hearing none I -- oh, go head,  
11 Paul, I'm sorry. Go ahead.  
12  
13 MR. TONY: What is option 3 again? I'm  
14 sorry.  
15  
16 MR. LAPLANT: Option 3 is to adopt the  
17 recommendation by the Regional Councils with the  
18 modifications to specify specifically for trapping and to  
19 include the Regional Council chairs in consultation  
20 coordination as the decisions are made each year.  
21  
22 MR. TONY: Under this regulatory scheme  
23 and the plan that you're following, how do you ensure  
24 that the priority for subsistence uses is preserved when  
25 you make changes to the regulations?  
26  
27 MR. LAPLANT: Well, the coordination is  
28 done with the individual agencies, and I guess the  
29 response to that is to the years that we've been doing  
30 this, and making these adjustments, it seems to have been  
31 working fine. We haven't received any complaints by  
32 local subsistence users, and they certainly -- this  
33 doesn't preclude them from submitting proposals and  
34 recommending changes that are contrary to what we  
35 recommend. So we look at the opportunities. Most  
36 trappers are rural residents, but I guess that's the way  
37 it's handled.  
38  
39 MR. EDWARDS: Mr. Chairman. Mr.  
40 Chairman.  
41  
42 CHAIRMAN DEMIENTIEFF: Yes.  
43  
44 MR. EDWARDS: I think we have, you know,  
45 been given a really good explanation of how the  
46 delegation of authority works. It seems to me all we are  
47 really being asked to do is put into regulation what has  
48 been delegated since 1998, and has actually been  
49 utilized, and in all cases it looks like it's been  
50 utilized to the benefit of the users. There's --

1 certainly in this particular proposal, there's obviously  
2 good checks and balances to ensure that this is done  
3 properly, and we have two of the Councils that support it  
4 with modifications, which I think everybody's in  
5 agreement that those modifications are appropriate, and  
6 I'm certainly prepared to vote in favor of option 3.

7

8 CHAIRMAN DEMIENTIEFF: Is that a motion?

9

10 MR. EDWARDS: It certainly can be, Mr.  
11 Chairman. I guess I would move that the -- that we  
12 support the proposal as amended by the Southcentral  
13 Regional Council recommendation. I'm trying to think of  
14 the exact words I would want, to delegate I guess by  
15 regulation the authority to set seasons and bag limits  
16 within season to the Assistant Regional Director for the  
17 Office of Subsistence Management.

18

19 CHAIRMAN DEMIENTIEFF: And that includes  
20 the trapping and the Regional Councils, Gary?

21

22 MR. EDWARDS: Yeah, that's correct. I  
23 guess I was under the assumption that that was already in  
24 there, in the Council's proposal, but.....

25

26 CHAIRMAN DEMIENTIEFF: Okay. Thank you.

27

28 MR. EDWARDS: .....whatever the Council  
29 had suggested, I would concur with.

30

31 CHAIRMAN DEMIENTIEFF: Is there a second  
32 to that motion.

33

34 MS. GOTTLIEB: I'll second.

35

36 MR. BISSON: So then it's the chair or  
37 the Council's designee, right? Is that my understanding?  
38 I just want to make -- clarify that point, because  
39 sometime when we're working on these issues, we have  
40 Council members that are on the ground and they delegate  
41 that authority. But that does include this, as far as I  
42 understand, is that correct?

43

44 CHAIRMAN DEMIENTIEFF: I don't know who  
45 can answer that.

46

47 MR. ARDIZZONE: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

1 MR. ARDIZZONE: It's just been pointed  
2 out to me that in fact we've got different -- currently  
3 have different opening dates for the season. One is  
4 November 1st. And what is in this motion right now I  
5 think is November 10th. I thought we had some discussion  
6 yesterday about trying to make those dates consistent,  
7 and moving that, pushing that date back to November 1st  
8 instead of November 10th.

9  
10 CHAIRMAN DEMIENTIEFF: Chuck, can you  
11 clarify that as far as.....

12  
13 MR. ARDIZZONE: I think Mr. Fleener  
14 brought up yesterday that some of the seasons start  
15 November 1st, and some go through February 28th I  
16 believe. So you might want to extend that window to  
17 include -- so we don't have to make changes that are  
18 already in place.

19  
20 CHAIRMAN DEMIENTIEFF: Okay.

21  
22 MR. LAPLANT: Mr. Chairman, I would  
23 recommend that that be modified to say November 1 through  
24 February 28th for the window that the Board is  
25 authorizing OSM to set regulations within. November 1.

26  
27 MR. BISSON: Mr. Chairman, I would like  
28 to offer an amendment to the motion.

29  
30 CHAIRMAN DEMIENTIEFF: Go ahead.

31  
32 MR. BISSON: To extend that date from  
33 November 1 to February 28th.

34  
35 CHAIRMAN DEMIENTIEFF: There's a motion  
36 to amend, is there a second.

37  
38 MR. EDWARDS: Second.

39  
40 CHAIRMAN DEMIENTIEFF: Discussion on the  
41 amendment.

42  
43 (No comments)

44  
45 CHAIRMAN DEMIENTIEFF: Hearing none, all  
46 those in favor of the amendment please signify by saying  
47 aye.

48  
49 IN UNISON: Aye.

50

1                   CHAIRMAN DEMIENTIEFF: Those opposed,  
2 same sign.  
3  
4                   (No opposing votes)  
5  
6                   CHAIRMAN DEMIENTIEFF: Motion carries.  
7 We now have the main motion as amended before us. Is  
8 there further discussion.  
9  
10                  MR. TONY: Mr. Chairman.  
11  
12                  CHAIRMAN DEMIENTIEFF: Yes.  
13  
14                  MR. TONY: As I said yesterday, you know,  
15 one of my concerns is that the lynx harvest management  
16 strategy may not be designed to protect rural subsistence  
17 users, and since, you know, the listed management units  
18 are all basically highway accessible units, there's an  
19 implication here that the primary users are urban users  
20 that are coming from Anchorage and Fairbanks. But I  
21 guess, you know, I'm a little bit more at ease that  
22 there's going to be consultation with the affected RAC  
23 chairs and that subsistence users do have I guess the  
24 ability to bring proposals subsequent to this. So I'll  
25 support the motion.  
26  
27                  MS. GOTTLIEB: Mr. Chair.  
28  
29                  CHAIRMAN DEMIENTIEFF: Yes.  
30  
31                  MS. GOTTLIEB: Maybe I can ask a question  
32 about the strategy itself. Does the strategy provide --  
33 provides data on populations and harvest, but does -- but  
34 is it then up to the analyst to set seasons or bag limits  
35 based on that data?  
36  
37                  MR. LAPLANT: Ms. Gottlieb, through the  
38 Chair, the strategy does answer the biology question, or  
39 the wildlife management question, and, correct, it would  
40 be up -- it would be through the OSM analysis document  
41 and analysis process to bring in the rural priority part  
42 of the decision. That has not been an issue in the past.  
43 There has been no statements made that rural users were  
44 not receiving adequate priority. But if that case did  
45 occur, that's where it would be addressed in the OSM  
46 analysis, so it would be combined with the wildlife  
47 management information and recommendation, and together  
48 presented to Tom for the decision.  
49  
50                  CHAIRMAN DEMIENTIEFF: Any other

1 discussion on the motion. Go ahead, Steve.

2

3 MR. KESSLER: I guess I am still curious  
4 from legal counsel whether agency field official would  
5 include the Assistant Regional Director for Subsistence  
6 Management, and -- so in other words, is -- are we  
7 resting that authority in the right entity in this  
8 regulation.

9

10 MR. GOLTZ: I would say we are if the  
11 Board says we are.

12

13 MR. EDWARDS: And also would it help if  
14 we say that OSM is a field office and not part of the  
15 Regional Office? Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Well, yeah, I  
18 think -- I totally support Paul's view that the Board --  
19 I mean, the RAC chair or the RAC's designee is now  
20 participating in the process. I think that lends a lot  
21 of credence to the process, that it's not a total -- and,  
22 honest, Tom, we're not trying to point you guys out to be  
23 bad guys, but the -- you know, that we are doing -- we're  
24 not doing this in a vacuum as a Staff process, that we  
25 are making sure that people are involved with the  
26 process, because especially when things are moving  
27 rapidly, the people that are on the ground are the people  
28 that notice the changes more quickly than all of our  
29 biologists can. And if they're included in the process,  
30 then it's really easy for me to support. Yes, John.

31

32 MR. LITTLEFIELD: I can see the writing  
33 on the wall, but I still want to comment a little bit if  
34 I could. If you look through this delegated authorities,  
35 and the wildlife, and if you look in the delegated  
36 authority column and delegated to, you will find that  
37 every one of those individuals is a field individual with  
38 their hands on the pulse of what's happening out there. I  
39 have absolutely no problem with the district ranger from  
40 Craig who lives there making a field special action about  
41 what happens there, because he understands what's going  
42 on. Those people are field employees that know what's  
43 happening. And to call the Office of Subsistence  
44 Management by just saying it's a field office, misses the  
45 point of what the intent was here. The intent was that  
46 the people who are most familiar with what's happening in  
47 the field would make that decision. And I just wanted to  
48 make that distinction. If you look through this list,  
49 other than lynx, there are no delegations to anyone other  
50 than a field manager who is actually out there, and I

1 believe that's the correct way to do it.

2

3

Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Yes, sir. And  
6 that's -- we are not going to make a move until we  
7 consult with those people and the RAC, and really in that  
8 instance it's built from the ground up. Any decision or  
9 any action that may happen will not happen without those  
10 things that we're talking about. Further discussion.

11

12

(No comments)

13

14 CHAIRMAN DEMIENTIEFF: Hearing none, all  
15 those in favor of the motion as amended please signify by  
16 saying aye.

17

18

IN UNISON: Aye.

19

20

21

22

23

(No opposing votes)

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

CHAIRMAN DEMIENTIEFF: Motion carries.  
Proposal 37 I believe.

MR. ARDIZZONE: Mr. Chair, once again  
Chuck Ardizzone. Proposal 37 will be found on Page 249,  
and the corresponding map will be found on Page 4 of your  
map supplement.

Proposal WP04-37 was submitted by the  
State of Alaska, and requests Federal harvest dates for  
marten trapping in Unit 13(E) be extended by 28 days, and  
that the sealing requirements for marten pelts harvested  
in 13(E) be rescinded. The proponent requests that the  
harvest regulations for marten trapping be changed to  
align with existing State seasons This would allow for  
additional trapping opportunity in remote parts of 13(E)  
once rivers freeze up.

Marten numbers in Unit 13 peaked in about  
1988 and have fluctuated annually since. Marten  
abundance estimates are developed from trapper  
questionnaires. Trappers with trap lines located in  
favorable marten habitats reported marten to be abundant  
between 1995 and 1996, but only common between 1997 and  
2002.

1                   Marten harvest data are not obtained on a  
2 unit-wide basis. Sealing of marten has been required in  
3 Unit 13(E). Between 1992 and 2002, annual harvest from  
4 Unit 13(E) averaged 68 marten. Males consistently  
5 predominated in all harvest years. The annual harvest of  
6 31 to 93 marten from Unit 13(E) is considered  
7 biologically insignificant to the population and the  
8 shortened season in 13(E) is unnecessarily restricting  
9 harvest opportunity.

10  
11                   This proposed change would reduce  
12 confusion among Federal subsistence trappers by aligning  
13 State and Federal regulations. This proposal would allow  
14 additional opportunities for Federally-qualified  
15 subsistence users to harvest marten by lengthening the  
16 season in the portion of Denali National Park not closed  
17 to subsistence activities, since State regulations do not  
18 apply there. This proposal would also remove the sealing  
19 requirements for marten in 13(E). Currently the marten  
20 population is considered stable, and the current harvest  
21 is considered sustainable. Mr. Chair.

22  
23                   CHAIRMAN DEMIENTIEFF: Thank you.  
24 Written public comments.

25  
26                   MR. MIKE: Thank you, Mr. Chair. Donald  
27 Mike, counsel coordinator. We received two written  
28 public comments. As I stated yesterday, the Ahtna --  
29 Copper River Native Association/Ahtna, Incorporated  
30 changed their position on Proposal WP04-37. They  
31 basically -- the Copper River Native Association  
32 basically supports 37 with modification to keep the  
33 sealing requirements.

34  
35                   The Denali National Park and Preserve  
36 Subsistence Resource Commission supports the proposal as  
37 amended to extend the marten trapping season by 28 days.  
38 The Commission unanimously voted to amend this proposal  
39 to retain the marten sealing requirements.

40  
41                   The proposal would provide additional  
42 opportunity for subsistence users, would have minimal  
43 impact on the marten population, which is considered  
44 stable, and would align the Federal and State  
45 regulations. The Commission believes that it is  
46 critically important to retain the sealing requirements  
47 because it provides important biological data needed to  
48 monitor this species. This biological data is an  
49 important tool for managers and advisory groups and is  
50 too important to lose.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. We  
4 have no additional requests for public testimony at this  
5 time. Regional Council recommendation.

6

7 MR. LOHSE: The Southcentral Regional  
8 Council supported this proposal. In our discussion, we  
9 had a lot of discussion on sealing requirements, and  
10 while we were in favor of it at that time, nobody was  
11 really coming forward to say that they would do the  
12 sealing requirements. The State and Federal were both  
13 kind of reluctant on it. I understand at this point in  
14 time the Federal Park Service has said that they would be  
15 willing to manage the sealing requirements, and I don't  
16 think any Council member would find that objectionable.

17

18 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
19 Committee.

20

21 MR. RABINOWITCH: Thank you, Mr.  
22 Chairman. The Staff Committee supported the proposal  
23 with a modification to maintain the sealing requirement  
24 that Ralph, excuse me, was just speaking about. And on  
25 Page 247 of your Board Book, the proposed language is  
26 laid out.

27

28 And I think I've discovered a small error  
29 in the text on that page, and I suggest that we can  
30 probably work out the error, but there's a reference to  
31 sealing being done by an authorized representative of  
32 ADF&G. If the sealing were done by, of course, a Federal  
33 person, then that language wouldn't be quite right, so I  
34 think we need to fine tune that.

35

36 And the text also says in accordance with  
37 State regulations. I think that's an error. It would  
38 need to say in accordance with Federal regulations. So  
39 there's two small errors to be worked out on that page.

40

41 The justification of the Staff Committee  
42 is the proposal as has been said would reduce confusion  
43 by aligning the State and Federal seasons. There would  
44 be minimal impact on the marten population. The Denali  
45 Subsistence Resource Commission was in support of this,  
46 and did recommend maintaining the sealing requirement at  
47 least for that portion that occurs within Unit 13(E) in  
48 Denali National Park. And as Ralph has already beaten me  
49 to the punch, since the tie of that Council meeting, the  
50 Park Service has been able to step forward and

1 volunteered to do that work if the Board so chooses.

2

3

Thank you.

4

5 CHAIRMAN DEMIENTIEFF: I'd just ask if  
6 there's any -- since we don't have a motion, you know,  
7 we're not there yet, we haven't heard from the  
8 Department, and I just want to warn the Department that  
9 we're going to be expecting some comments on the  
10 corrections.

11

12 But let me just back up real quickly here  
13 and say -- as Ralph, do you see any objection to the  
14 corrections?

15

16 MR. LOHSE: Oh, definitely not, because  
17 those corrections aren't onto the motion that we were  
18 doing, and as far as we were concerned, if somebody was  
19 willing to do the sealing, we would be happy to have them  
20 do the sealing. The State Department of Fish and Game at  
21 that time was talking about limited funds, and that they  
22 didn't think that they would be able to me. To me, I  
23 don't see any Council member objecting at all to having  
24 the Park Service doing the sealing. And you'd have to  
25 change the wording of the proposal to reflect that.

26

27 CHAIRMAN DEMIENTIEFF: Yeah. I at this  
28 time will call on the Department for any comments you  
29 might have.

30

31 MR. HAYNES: Thank you, Mr. Chairman.  
32 The Department supports adoption of this proposal,  
33 because it would align the State and Federal regulations,  
34 and provide additional marten trapping opportunity for --  
35 in Unit 13 for Federally-qualified subsistence users.  
36 And as we mentioned to -- at the Southcentral Regional  
37 Council meeting, if the National Park Service wants to  
38 seal marten there, we have no problems with that. The  
39 Department believes we can get the data we need for  
40 management through the trapper questionnaire that is  
41 distributed after the season, but we did not object to  
42 the Park Service taking over that responsibility if they  
43 want to do that.

44

45 CHAIRMAN DEMIENTIEFF: Okay. We'll  
46 advance to discussion at this point.

47

48 MR. BISSON: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. BISSON: In looking -- I'm assuming  
2 what we're talking about is potentially a motion that's  
3 based on what's on Page 247, and I'm trying to determine  
4 exactly where -- how this relates to specifically 13(E).  
5 It lists some other units in this language, including the  
6 problem with, you know, needing to make it specific to  
7 Federal regulations, and ADF&G, but I'm trying to relate  
8 to whether what we're doing is giving the Park Service  
9 authority to seal all these units, or just 13(E)? I  
10 mean, it seems to me what we're doing ought to be only  
11 specific to 13(E). This seems to be broader than that.  
12 Or this language is anyway.

13  
14 CHAIRMAN DEMIENTIEFF: I don't know who  
15 wants to respond to that, but -- Ralph?

16  
17 MR. LOHSE: Mr. Chair. I'm sure from  
18 Council's standpoint that all we were talking about was  
19 13(E). And it would be very simple to do. You could  
20 just -- you can just delete everything in there, and just  
21 say that you may not possess or transport from Alaska the  
22 untanned skin of a marten taken in Unit 13(E) unless  
23 sealed by, you know. The rest of that stuff is not  
24 needed in -- as part of this proposal, and we did not  
25 discuss any of the rest of this stuff, or giving  
26 authority to the Park Service to tag the rest of the  
27 stuff, either.

28  
29 CHAIRMAN DEMIENTIEFF: Chuck.

30  
31 MR. ARDIZZONE: Mr. Chair, this is  
32 current language which we have, which covers all the  
33 units in the State, which is on Page 247. I believe Mr.  
34 Lohse is correct, you could make a -- just delete this  
35 paragraph and make a unit specific for 13(E), some  
36 language. This is the way we work in the rest of the  
37 State.

38  
39 MS. GOTTLIEB: Mr. Chair.

40  
41 CHAIRMAN DEMIENTIEFF: Yes.

42  
43 MS. GOTTLIEB: Well, I think what's  
44 confusing is we don't really have the language then for  
45 13(E) in front of us, so I don't know if that can be put  
46 up on the screen or produced for us. I guess our comment  
47 is that we appreciate that the Denali Subsistence  
48 Resource Commission is interested in retaining the data  
49 gained by sealing. Apparently there's pretty much only  
50 one trapper in the area of Denali National Park and

1 Preserve. He's already complying by bringing in the  
2 pelts for sealing, and so we're more than glad at the  
3 Park to continue doing that. So as appropriate when we  
4 have maybe the wording in front of us, I'll make a motion  
5 to support the Southcentral Council with the amendment or  
6 modification that sealing in 13(E) continue.

7  
8 CHAIRMAN DEMIENTIEFF: And I'm assuming  
9 in making your motion that we're accepting also the  
10 corrections that Staff had pointed out?

11  
12 MS. GOTTLIEB: Uh-huh. (Affirmative)

13  
14 CHAIRMAN DEMIENTIEFF: Which nobody  
15 seemed to object to. Okay. Is there a second to the  
16 motion?

17  
18 MR. TONY: Second.

19  
20 CHAIRMAN DEMIENTIEFF: Okay. Discussion  
21 on the motion.

22  
23 MR. EDWARDS: Yeah, Mr. Chairman, I guess  
24 I don't have a problem supporting the motion. I guess  
25 I'm having a little difficulty understanding really what  
26 the value is of separating out this one unit. If we only  
27 have one trapper, it doesn't seem that the data is going  
28 to do a whole lot to tell us anything with regard to  
29 status and trends. And I don't know -- how does the Park  
30 Service use their sealing data in the past?

31  
32 MS. GOTTLIEB: Mr. Chair. You know, we  
33 have so little data on the myriad of resources that we  
34 have that any data, whether it's even one data set is  
35 really very helpful to us. And so I think we use it in  
36 these discussions, and in the general inventory of the  
37 park. Maybe some of the Park Staff or Sandy have  
38 additions to that, but that's my impression.

39  
40 CHAIRMAN DEMIENTIEFF: Terry.

41  
42 MR. HAYNES: Mr. Chairman, perhaps one  
43 question that would be helpful is whether if this  
44 proposal is adopted, if the Park Service is wanting to  
45 use the State's sealing process or if the Park Service  
46 intended to develop its own process. You know, the State  
47 obviously had forms and procedures that it has used, and,  
48 you know, we wanted to have consistency in how this  
49 information is reported or recorded, I don't know if that  
50 needs to be clarified in the proposal, in the wording or

1 not, but we could have Staff discuss our process a bit if  
2 that was -- would be useful.

3

4

CHAIRMAN DEMIENTIEFF: Sandy.

5

6

MR. RABINOWITCH: I would point out that  
7 this isn't something that the Park Service was  
8 particularly seeking. The Staff Committee I think like  
9 the Council had a lot of discussion about this, and  
10 understanding that there was some interest in maintaining  
11 the sealing requirement, we checked with local Staff in  
12 Denali about whether they would be willing to take this  
13 duty on, and their response was that they could do that.  
14 They saw it as a very small task.

15

In response, Terry, to your question, I'm  
16 quite confident that Hollis Twitchell will be happy to  
17 cooperate fulling with you. You know, we don't have any  
18 big plan in place about how to do this, and I'm sure that  
19 it would be quite simple to work out, just cooperating  
20 completely. And I'll make sure he's aware of that.

21

22

MR. BISSON: Mr. Chairman.

23

24

CHAIRMAN DEMIENTIEFF: Yes.

25

26

MR. BISSON: Is what we're seeing on the  
27 screen what we're -- is that what the motion is?

28

29

CHAIRMAN DEMIENTIEFF: I don't know, I'm  
30 watching the game.

31

32

MR. BISSON: They're behind two to one,  
33 sir.

34

35

CHAIRMAN DEMIENTIEFF: Actually, to tell  
36 you the truth, I can't read it and.....

37

38

MR. BISSON: Yeah. The concern I have is  
39 that I'm looking at -- I think what I'm seeing are  
40 inconsistencies. You know, basically we're saying all of  
41 these units, including 13(E) in accordance with State and  
42 Federal regulations. Well, is there a Federal regulation  
43 regarding sealing for martens? But the context of that  
44 regulation has to do with -- well, I guess you're right.

45

46

The other question I had for Mr. Haynes  
47 was whether this isn't simply a case of a Park Service  
48 employee becoming an authorized representative of ADF&G  
49 and doing the sealing. Why are we going through the  
50

1 process of creating this additional requirement when in  
2 fact if you have the authority to do it, all we have to  
3 do it is list 13(E) in here exactly as it was proposed.

4

5 CHAIRMAN DEMIENTIEFF: Judy. Oh, I'm  
6 sorry. Wayne.

7

8 MR. REGLIN: Mr. Chairman, the Department  
9 of Fish and Game stopped requiring sealing for marten in  
10 this area, because the data were of very little value.  
11 We didn't need to, so there was no sense in putting all  
12 of the trappers through an exercise of bringing their  
13 pelts into be sealed if we didn't need the data, because  
14 we get just as reliable data from other sources, and I  
15 think you can, too. We share all of that information  
16 with everyone, so there just wasn't any sense in  
17 requiring the sealing. We tried to -- there's no reason  
18 to require somebody to go through that effort.

19

20 MS. GOTTLIEB: Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Yes.

23

24 MS. GOTTLIEB: Our Subsistence Resource  
25 Commission to Denali National Park was the one who  
26 requested that the sealing requirement be retained, and  
27 so they haven't seen it I guess as a burden, because I  
28 think as I said there's only maybe one or two or three  
29 people doing any trapping in that area. And I think the  
30 main point of this regulation was to extend the season  
31 which everybody is in agreement with.

32

33 CHAIRMAN DEMIENTIEFF: The -- you know,  
34 the fact of the matter is I do know -- actually I went to  
35 school with the main trapper that would be affected by  
36 this, not that he's the only one, and I just think the  
37 spirit of cooperation between the Park Service and the  
38 primary trapper, it's just worked out really -- or they  
39 have developed a relationship, and whatever information  
40 the Park Service needs, I think he pretty much complies  
41 with. And I do stay -- like I said, he's a classmate of  
42 mine, and I do stay in touch with him, you know, very  
43 closely, and he's real happy the way things are worked  
44 out. And the more information I think we've got then the  
45 better off we are. Go ahead.

46

47 MR. KESSLER: Mr. Chair. I think it's  
48 very important that we maintain this sealing requirement  
49 here. I think of the discussions that we've had earlier  
50 in this meeting on Chichagof Island where it's important

1 that we not only have this sealing, but also gathering  
2 the other information through necropsies that was  
3 explained by some of the Staff, and that this allows for  
4 long-term better management of marten trapping. And  
5 although the areas outside of the 13(E) and the park  
6 would not have sealing, I still think that it's  
7 beneficial to have that sealing requirement in this area  
8 that's proposed, and sealing is required to the south in  
9 the adjacent unit also. So I'm going to support this  
10 proposal.

11  
12 CHAIRMAN DEMIENTIEFF: Thank you. Any  
13 other discussion. Yes.

14  
15 MR. TONY: Is the current motion to have  
16 the sealing continue -- or retain the sealing?

17  
18 MS. GOTTLIEB: (Nods affirmatively)

19  
20 MR. TONY: Okay.

21  
22 CHAIRMAN DEMIENTIEFF: Craig.

23  
24 MR. FLEENER: Thank you, Mr. Chair. I  
25 realize this is way out of my region, but I have a lot of  
26 interest in trapping and a lot of interest in supporting  
27 trappers, and so I just thought I'd have to talk about  
28 this a little and ask a couple questions maybe. Am I  
29 understanding it right to -- that this regulation will  
30 really be impacting one trapper? Are we actually  
31 imposing a Federal regulation what's going to  
32 specifically only deal with one person? And in addition  
33 to that, it seems to me if there's already a good spirit  
34 of cooperation as was pointed out between the trapper and  
35 the agency, that you just work with that individual. I  
36 think the additional, unless this guy likes more work,  
37 the additional burden of having to bring your furs in to  
38 have them sealed, unless he becomes your sealing agent,  
39 then it's not so bad. I was a sealing agent at Fort  
40 Yukon, so I could seal all my own furs. It was no big  
41 deal. But if this guy is going to have to come into a  
42 field office somewhere and have his stuff sealed, that's  
43 an additional burden that's going to -- that means  
44 additional expense.

45  
46 And I'm not sure what kind of seal you're  
47 going to use, but marten, you know, if you're going to  
48 put the seal through their eye, or I'm not sure where  
49 you're going to put it, it's going to damage the fur.  
50 It's not like a beaver that has big holes you can shove

1 those big plastic seals through. So I think there's  
2 going to be some potential damage to pelt as well by  
3 requiring the seals, unless you make them a metal locking  
4 tag which are -- which do less damage.

5  
6 It seems to me that the trapper surveys  
7 have been pretty effective in our region, especially for  
8 something like Marten, and I'd just hate to put an  
9 additional burden on a trapper. Now, if you had a lot of  
10 trappers and there was as lot of impact, and you were  
11 very concerned, then, you know, I may not have the same  
12 opinion about the situation, but to make a regulation, to  
13 change a regulation book for one individual, and make an  
14 additional burden on the trapper for one species I think  
15 might be a little too much.

16  
17 Thank you.

18  
19 MS. GOTTLIEB: Mr. Chair.

20  
21 CHAIRMAN DEMIENTIEFF: Judy.

22  
23 MS. GOTTLIEB: Thanks. And thank you,  
24 Craig. currently the sealing requirement is in place, so  
25 the trapper has been reporting and getting his materials  
26 sealed. Our intent, again at the request of our  
27 Subsistence Resource Commission, not at the agency  
28 request, is for our subsistence manager to go to the  
29 trapper and do the sealing right wherever he is. Our  
30 Subsistence Resource Commission the values information  
31 because several years ago, for those of you who might  
32 have been at the meeting, some of their proposals --  
33 excuse me. There was a proposal to remove a traditional  
34 wolf trapping area to provide a buffer zone to Denali  
35 National Park, and the Subsistence Resource Commission  
36 and the RACs opposed that very vigorously, and one of the  
37 many reasons that they were very successful, and Ron  
38 probably remember this, is because we had good data. So  
39 that Subsistence Resource Commission, like most of ours,  
40 really value any data we can collect, I think with the  
41 long-term view of needing that data for protecting their  
42 subsistence rights. So I believe for that Commission  
43 that's a lot of what's behind it, too, and it will -- I  
44 mean, it will be a little bit of an extra workload for  
45 us, so we're not pushing it, but it's what the Commission  
46 wants, and that's why we're willing to do it, and I'm  
47 sure if they're unhappy with it, we can look at it again  
48 next year.

49  
50 CHAIRMAN DEMIENTIEFF: So really by

1 adopting the proposal we are providing relief to that  
2 particular trapper, especially since when he goes home,  
3 he only lives a couple of miles away from the  
4 administrative offices, as opposed to having to go and  
5 comply with the State, it is a relief actually. The way  
6 I'm understanding the Park Service is that it's going to  
7 be actually more convenient for him to report. Ralph.

8  
9 MR. LOHSE: Just for a little information  
10 for Craig, we've sealed marten, and marten seals are  
11 basically a spaghetti tag that you tie. They're just a  
12 little thin piece of rubber tubing that you just stick  
13 through the eye and tie. And they're no problem. They  
14 don't hurt anything, and they're real easy to put on.

15  
16 MR. FLEENER: Yeah, I'm worried.

17  
18 CHAIRMAN DEMIENTIEFF: Is that what's in  
19 my marten hat? Further discussion.

20  
21 (No comments)

22  
23 CHAIRMAN DEMIENTIEFF: Hearing none, all  
24 those in favor of the motion please signify by saying  
25 aye.

26  
27 IN UNISON: Aye.

28  
29 CHAIRMAN DEMIENTIEFF: Those opposed,  
30 same sign.

31  
32 (No opposing votes)

33  
34 CHAIRMAN DEMIENTIEFF: Motion carries.

35  
36 MR. BISSON: There was an amendment  
37 passed.

38  
39 CHAIRMAN DEMIENTIEFF: Yeah. 38. Oh,  
40 and then also the other thing I wanted to note is  
41 apparently according with some of Mr. Littlefield's  
42 discussions, apparently there's been a coup that happened  
43 overnight, because I was reaching for my gavel, and it's  
44 over in Tom's court. 38.

45  
46 MR. ARDIZZONE: Mr. Chair. WP04-38 is  
47 found on Page 256, and we'll be referring to the map on  
48 Page 5 of your supplement. Proposal WP04-38 was  
49 submitted by David McHoes and requests Federal dates for  
50 marten trapping in Unit 16 be extended by 28 days. The

1 proponent feels that the early part of the season, 10  
2 November through 20 December is unproductive as weather  
3 and river conditions are not conducive to running trap  
4 lines. Extending the season into February would allow  
5 more time to harvest marten when access in the area is  
6 better due to better travel across frozen rivers when  
7 conditions are safer.

8  
9                   And I believe the lands we're really  
10 going to be concentrating on would be the Denali National  
11 Preserve. If you look at the map on Page 5, you can see  
12 it's the lightly shaded Denali National Preserve near the  
13 top of the map. That's where David does most of his  
14 trapping.

15  
16                   One of the best ways to monitor the  
17 effects of harvest on marten populations is to examine  
18 the age and sex ratios of the animals harvested.

19  
20                   The status of marten populations in Unit  
21 16 is not fully known. However, the recent recorded high  
22 harvest of marten in 2001 and 2002 may be indicative of a  
23 peak in the marten cycle.

24  
25                   Even though the exact percentage of  
26 females in the harvest is not known, it is estimated that  
27 less than 33 percent of the harvested marten in Unit 13  
28 (sic) are females, which currently does not constitute a  
29 conservation concern.

30  
31                   The proposal, if adopted, would allow  
32 more opportunity for Federally-qualified subsistence  
33 users to harvest marten. Extending the season 28 days  
34 when travel and weather conditions are better, could  
35 cause an increase in the marten harvest. However, very  
36 few individuals harvest marten on Federal public lands  
37 affected by this proposal.

38  
39                   Currently marten populations appear to be  
40 healthy and the population seems to be relatively stable.

41  
42                   Current harvest level should be  
43 sustainable. An extended season should have minimal  
44 impact on the marten population.

45  
46                   Changing the harvest season in Unit 16  
47 would cause State and Federal regulations to diverge, and  
48 could cause problems with law enforcement since a large  
49 portion of the unit is state land, and trappers could  
50 harvest animals on state land during the state's closed

1 season and report them as being harvested on Federal  
2 lands.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Written public comments.

8

9 MR. MIKE: Thank you, Mr. Chair. We  
10 received one written public comment. The Denali National  
11 Park and Preserve Subsistence Resource Commission  
12 supports the proposal. The majority of the 22.6 percent  
13 of National Park Service lands in Unit 16 are high in the  
14 mountains of the Alaska and Chigmit Mountain Ranges well  
15 above the marten habitat. The data presented in this  
16 analysis is almost exclusively from non Federal lands.  
17 Only a couple of trappers are known to be active on Park  
18 Service lands, and while their marten harvest are unknown  
19 at this time, we believe it to be minimal. It is very  
20 difficult to access these lands in the fall and early  
21 winter due to open rivers and deep snow conditions. The  
22 Commission believes there is no biological reason to  
23 shorten the marten season in Unit 16(B).

24

25 Thank you, Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Thank you. We

28 have no additional requests for public testimony.

29 Regional Council recommendation.

30

31 MR. LOHSE: The Southcentral Regional  
32 Council supported the proposal as presented. Basically  
33 on the information that we received from the land manager  
34 from the National Park Service, the limited impact both  
35 to the marten population, the limited amount of people  
36 that trap there, basically from what I understood it was  
37 one, and the fact that we understand rivers, and rivers  
38 -- if the whole access to the area is by river, rivers  
39 don't freeze until late in the winter to get safe. So  
40 basically if the season's an early season, a lot of that  
41 country would never have access to it. So we supported  
42 the proposal.

43

44 CHAIRMAN DEMIENTIEFF: Thank you very  
45 much. Staff Committee.

46

47 MR. RABINOWITCH: Thank you, Mr.

48 Chairman. The Staff Committee recommendation is on Page

49 254. Staff Committee supported the proposal, consistent

50 with the Southcentral Regional Council recommendation

1 that you just heard. And the justification of the Staff  
2 Committee tracks right along with the Council, so I won't  
3 read that into the book at this time.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Department  
8 comments.

9

10 MR. HAYNES: Mr. Chairman, the Department  
11 does not support this proposal. The proposal would  
12 extend the closing date for marten trapping under the  
13 Federal subsistence regulations in Unit 16 from January  
14 31st to February 28th. The area affected would include  
15 portions of the Denali National Park additions and  
16 preserve in Units -- as well as BLM and Lake Clark  
17 National Park lands.

18

19 The current State and Federal trapping  
20 season dates are the same in Unit 16(B), while the  
21 Federal season in Unit 16(A) is one month longer than the  
22 corresponding State season in the sub unit. The  
23 Department objects to that proposed season extension due  
24 to conservation concerns and user-related issues.

25

26 Beginning in the early 1990s, Department  
27 Staff consulted with local trappers to determine  
28 appropriate marten trapping season length and timing in  
29 Unit 16. Most local trappers preferred an earlier season  
30 to avoid competition with non-local trappers, and said  
31 that marten fur was prime by the current November 10  
32 season opening date. These trappers also believe that a  
33 three month season provided sufficient marten trapping  
34 opportunity.

35

36 Adoption of this proposal would be  
37 inconsistent with the recommendations of those trappers  
38 in Unit 16(B).

39

40 The reported harvest of marten, the  
41 number of marten trappers and average take per trapper in  
42 Unit 16 all have increased substantially during the past  
43 decade. However, a review of the sealing records for  
44 Unit 16(B) from 1992 to present reveal that no marten  
45 have been reported as taken from any of the Federal lands  
46 in Unit 16(B), including the southwestern portion of the  
47 Denali National Park and Preserve. Extending the season  
48 by one month may result in more female marten being  
49 taken, which could have long-term consequences on marten  
50 production and productivity.

1                   Finally, a Federal marten trapping season  
2 in Unit 16(B) that is longer than the corresponding State  
3 season may create enforcement problems since trapping  
4 could only take place on Federal public lands during the  
5 Federal season when the State season is closed.

6  
7                   And our area biologist from that area is  
8 here if the Board has questions about our position on  
9 this proposal.

10  
11                   CHAIRMAN DEMIENTIEFF: Thank you very  
12 much. With that we'll advance to discussion. Paul, have  
13 you got something?

14  
15                   MR. TONY: Yeah, the information I have  
16 quotes your area biologist as saying that there's record  
17 high harvests in 2001, 2002, and that the ratio or  
18 percentage of females in the harvest does not currently  
19 constitute a conservation concern.

20  
21                   MR. HAYNES: And I don't believe that's  
22 inconsistent with what we said, that a conservation  
23 concern could result with the season extension, if more  
24 female marten were taken, that could then create the  
25 concern that we have. Not that there is one yet.

26  
27                   MR. EDWARDS: Mr. Chairman.

28  
29                   CHAIRMAN DEMIENTIEFF: Yes.

30  
31                   MR. EDWARDS: Maybe a question either for  
32 the State or for your biologist. I mean, given how  
33 little Federal land that there really is in Unit 16(B),  
34 and I think everybody's in pretty much agreement that  
35 it's -- you know, it's not very accessible, and if there  
36 is only one trapper, I mean, do we really think there's  
37 going to be a significant increase if we have this few  
38 additional days?

39  
40                   CHAIRMAN DEMIENTIEFF: Yes, Gino.

41  
42                   MR. DELFRATE: Thank you, Mr. Chair. We  
43 really don't know what the impacts are going to be.  
44 Granted, we have one trapper that currently uses that  
45 area, but all rural residents are qualified to trap in  
46 the area. This area has seen a two-fold, a doubling of  
47 the marten trappers in just the last ten years, and the  
48 interest in trapping in 16(B) has been increasing  
49 substantially. It's possible that additional trappers  
50 from the communities of Skwentna, possibly even Cantwell,

1 would be encouraged to go out and trap during this  
2 season, and so we could potentially see that. Because we  
3 don't complete marten surveys, we don't know what the  
4 status of the marten population is on Federal land in  
5 that area. Like Mr. Haynes had suggested is that we've  
6 never had a marten specifically reported from Federal  
7 land. All of the marten that have been taken in the  
8 Yetna River drainages have just been that, they've been  
9 reported as part of the Yetna River, so we don't know  
10 where those marten come from.

11  
12 MR. EDWARDS: I mean, you know, it seems  
13 to me one approach certainly does, if, you know, this is  
14 passed, you know, it will give us some indication, and  
15 certainly we could go back and revisit it if in fact, I  
16 mean, your fears actually, you know, come to be that if  
17 we do. Because you have a method to determine if there  
18 would be an increase both in participation as well as  
19 harvest through your normal survey process anyway, right?

20  
21 MR. DELFRATE: Yes, Mr. Chair, that's  
22 correct. And we do -- we will maintain the sealing of  
23 marten in both Federal and State land. We have tried to  
24 keep out seasons similar in both the Federal and the  
25 State system, and this is a strong divergence from that,  
26 too.

27  
28 CHAIRMAN DEMIENTIEFF: Judy.

29  
30 MS. GOTTLIEB: Mr. Chair, I would move  
31 that we support the Regional Advisory Council's  
32 recommendation, and that is also consistent with our  
33 Subsistence Resource Commission's recommendation.

34  
35 CHAIRMAN DEMIENTIEFF: Is there a second  
36 to the motion.

37  
38 MR. TONY: Second.

39  
40 CHAIRMAN DEMIENTIEFF: Well, I'll intend  
41 very much to support the motion. Basically what we're  
42 talking about is again it's the trapper that is using  
43 that area. And knowing how -- the area in question.  
44 Knowing how these things operate, and especially amongst  
45 rural people, nobody moves in on somebody's trap line.  
46 The only time it does actually happen is by airplane, you  
47 know, by people from -- I'm sorry, Madam Secretary, I  
48 didn't mean -- I wasn't getting out of line. But that's  
49 the way it realistically happens, and so we need to just  
50 keep that in mind that there is not going to be any

1 increased, otherwise the trapper will probably take care  
2 of that intrusion by himself. Just the way it works. So  
3 I intend to support the proposal.

4

5 MR. EDWARDS: Mr. Chairman, I'm also  
6 prepared to support the proposal, but I would hope that  
7 we would monitor it, and if in fact that there has been  
8 an increase in other portions of 16(B), and as a result  
9 of this extended seasons those individuals, which I guess  
10 are also subsistence users, do show and are able to move  
11 into this other area, that we would revisit this issue.

12

13 CHAIRMAN DEMIENTIEFF: Any other  
14 discussion.

15

16 (No comments)

17

18 CHAIRMAN DEMIENTIEFF: Hearing none, all  
19 those in favor signify by saying aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN DEMIENTIEFF: Those opposed,  
24 same sign.

25

26 (No opposing votes)

27

28 CHAIRMAN DEMIENTIEFF: Motion carries.  
29 Well, with that we complete our work on Southcentral, and  
30 we can send Ralph back to -- you can send Ralph back to  
31 fishing, and maybe this time at least he'll bring his  
32 wife some fish.

33

34 (Pause)

35

36 CHAIRMAN DEMIENTIEFF: Well, before I get  
37 bogged, I guess we'll have a short break.

38

39 (Off record)

40

41 (On record)

42

43 CHAIRMAN DEMIENTIEFF: Okay. We'll go  
44 ahead and call the meeting back to order. We are now  
45 moving into Western Interior. We have Proposal No. 55  
46 before us at this time. Staff analysis.

47

48 MS. H. ARMSTRONG: Thank you, Mr. Chair.  
49 My name is Helen Armstrong. I'm a cultural  
50 anthropologist for the Office of Subsistence Management.

1                    Proposal 55, which is on Page 460 in your  
2 Board Book, was submitted by Andrew Brattrud, and it  
3 requested the existing customary and traditional  
4 determination for brown bear in Unit 24 be expanded to  
5 include all residents of the Dalton Highway Corridor  
6 north of the Yukon River. There is a map in the map  
7 packet you have, map No. 6, and this is also displayed on  
8 the screen. And Mike is just showing the arrow where  
9 20(F) is, just a small portion there north of the Yukon  
10 River that will be part of the discussion for this  
11 proposal as well as for the next one, 82. The whole  
12 Dalton Highway is under consideration, but 20(F) has some  
13 particular discussion there. It's just a small part.  
14

15                    Proposal 55 originally requested that  
16 Stevens Village, Tanana, Galena, Kobuk and Koyuk be added  
17 to the C&T determination for brown bear in Unit 24, but  
18 after the book was already printed, we had trouble  
19 getting a hold of Mr. Brattrud, because he was at his  
20 trapping cabin, so we couldn't discuss this with him.  
21 After the book was printed, he agreed to narrow the  
22 request and deleted those communities. So the C&T is  
23 only consid -- this request is only considering expanding  
24 the C&T to all residents of the Dalton Highway Corridor  
25 north of the Yukon River, and does not include those  
26 communities.  
27

28                    Currently the C&T for brown bear in Unit  
29 24 specifically excludes all residents of the corridor  
30 except for Wiseman. And this proposal would add those  
31 communities of the corridor.  
32

33                    The only communities that you find along  
34 the corridor, maybe Mike could go back to the map, is the  
35 communities of Wiseman and Coldfoot. You can see that  
36 they're 20 miles apart from each other. Other than that,  
37 there are no communities along the corridor. From the  
38 Yukon River all the way up to Prudhoe Bay, there are no  
39 communities. Wiseman already has a positive C&T  
40 determination for brown bear in Unit 24. The remainder  
41 do not. Because Wiseman has a C&T, the focus will be on  
42 Coldfoot, and those residents that live along the  
43 corridor who are permanent year round residents.  
44

45                    As I think all of you know, the Dalton  
46 Highway Corridor is administered by the BLM, and on my  
47 map the color was a very light yellow, and it didn't come  
48 out, so I'm -- it was on the map, but when it got put  
49 into PowerPoint, it disappeared, so my apologies to BLM  
50 for that.

1                   The existing C&T for Unit 24 for brown  
2 bear was originally adopted from the State. In 1997,  
3 Proposal 58(b), Stevens Village had requested a positive  
4 C&T only for brown bear for residents of Stevens Village  
5 -- I mean only for residents of Stevens Village. The  
6 Board denied that request to give it only to Stevens  
7 Village, and added -- but they did add Stevens Village to  
8 the existing determination for that portion of Unit 24  
9 south of the Caribou Mountains. At that time, and I was  
10 not the anthropologist working with those Councils, but  
11 it's my understanding that the Councils worked very hard  
12 in determining whether -- who else should have C&T, and  
13 at that point they determined that it should -- they  
14 should exclude the corridor.

15  
16                   There -- it was believed then that there  
17 weren't any long-term permanent residents along the  
18 corridor or in Coldfoot, and we had two Staff members who  
19 then drove the highway and found out that that was not in  
20 fact true. There have never been any studies done on  
21 those people, but we did find that there's a family that  
22 had moved from Wiseman to a place called Oldman, and that  
23 family has been there for a long period of time, and they  
24 are permanent residents there. And there were a  
25 spattering of other people who lived along the corridor  
26 as well.

27  
28                   We did talk to people in Coldfoot, and  
29 Coldfoot is a community that has only recently gotten  
30 large enough that it made the census in 2000. It was  
31 originally established in 1900, then was abandoned in  
32 1912, but there have been people living there off and on  
33 over the past century. Today there are -- in Coldfoot  
34 there are approximately 15 people living -- 15 adults and  
35 three children living there permanently. There are about  
36 40 people who live there on a seasonable basis. And I  
37 think it was the seasonal people that made people  
38 concerned about giving them C&T.

39  
40                   Along the corridor in Unit 24, I -- and  
41 I'm not 100 percent sure this is accurate, but it was  
42 from a resident of Coldfoot, she did some calling around  
43 and checked, and she said there were eight people living  
44 along the corridor in Unit 24.

45  
46                   As far as we knew, and the information  
47 given to us at the time of doing the presentations at the  
48 Council meeting, there weren't any people living in 20(F)  
49 permanently year round, and as far as we know, there are  
50 no people living in Unit 26 along the corridor, living

1 year round.

2

3

4 The focus of this presentation is on  
5 factors 1, 2, 4, and 8, and the problem we have with this  
6 is that outside of Coldfoot and the people living along  
7 the corridor, no studies have been done. And it -- so it  
8 makes it a little bit difficult, but because there's not  
9 a shortage of the resource, we don't need to be concerned  
10 with the individual users, and I've based my C&T  
11 determination analysis on the uses of the people in the  
12 region, which is in accordance with the direction I have  
13 from our Solicitor. So what I did was I looked at what  
14 people in Unit 24 were doing, and then made the  
15 assumption that anybody along the corridor would be  
16 following the same types of uses. And it's not much  
17 different than if those people had been living in Wiseman  
18 where there was C&T, then they would have -- they would  
19 have C&T, so if they moved there, they would have C&T.

19

20

21 Except for factor 1, which is the length  
22 of consistent -- long-term consistent pattern of use, not  
23 all of these people have not lived there that long,  
24 although we don't know how long they have been there,  
25 because we don't have any studies that have been done.  
26 But in Unit 24, the residents of 24 communities have as a  
27 group a long-term consistent pattern of use of harvesting  
28 brown bear for subsistence, for material needs and for  
29 cultural reasons. Brown bears, as you probably all  
30 remember are very -- culturally are very important  
31 animals to the Koyukon people.

31

32

33 The State has regulated brown bear  
34 hunting since 1961, so it -- they haven't had their  
35 customary and traditional season since then, but before  
36 legal restrictions were imposed on wildlife hunting in  
37 Unit 24, the residents of the middle, upper Koyukuk River  
38 and central Brooks Range harvest brown bears in the  
39 spring, summer or fall, when they needed to augment  
40 nutritional needs. The most desired time of year to hunt  
41 brown bears in the Koyukuk area was and continues to be  
42 in the late summer and fall when the brown bears are  
43 especially fat and healthy, and preparing to hibernate.

43

44

45 The Nunamiut, which is Anaktuvuk Pass  
46 people in the very northern part of Unit 24, prefer to  
47 harvest brown bears when they come from their dens in the  
48 spring.

48

49

50 Brown bears are found throughout Unit 24,  
but communities such as Anaktuvuk Pass and Wiseman are

1 located in the most productive brown bear habitat. Most  
2 brown bear harvest by residents of Anaktuvuk Pass occurs  
3 within the Gates of the Arctic National Park and  
4 Preserve. And Wiseman and the mid Koyukuk River  
5 communities hunt both inside and outside of the park, but  
6 within Unit 24.

7  
8 Both the Koyukon and the Nunamiut  
9 traditionally relied on a wide variety of local fish and  
10 wildlife resources.

11  
12 There was a concern when the proposals  
13 had come forward in 1997 that Coldfoot people and people  
14 along the corridor were transient, and they were  
15 concerned about individuals working the pump stations and  
16 the local -- the road maintenance facilities and  
17 construction camps, that they shouldn't be allowed to  
18 take subsistence resources. But most of those transient  
19 or seasonal workers or visitors to the corridor have --  
20 are precluded from hunting under the rural residency  
21 requirements, including the C&T determinations.

22  
23 One of the concerns that the Council had  
24 dealt with was this -- they were concerned people would  
25 come in and be able to take -- if they were living there  
26 temporarily, that they would be able to take resources,  
27 but in 1999 the Board changed the regulations to state  
28 that an individual had to -- in order to be able to  
29 obtain an Alaska resident hunting license to qualify as a  
30 Federal recognized user, that they would have to live  
31 there for a year. So that then precluded people who were  
32 just transients living there being able to harvest  
33 resources.

34  
35 I do want to note, too that in addition  
36 this proposal would not allow any of the potentially  
37 enfranchised hunters to hunt in the Gates of the Arctic  
38 until they obtain a Section 13.44 permit from the Park  
39 Service.

40  
41 Thank you, Mr. Chair. That concludes my  
42 presentation.

43  
44 CHAIRMAN DEMIENTIEFF: Thank you.  
45 Written public comments.

46  
47 MR. RIVARD: Yes, Mr. Chair. My name is  
48 Don Rivard. I'm with the Office of Subsistence  
49 Management and I'm filling in for Vince Mathews who's the  
50 Western and Eastern Interior Council coordinator, and

1 he's on annual leave this week.

2

3

4 There's just two written public comments.  
5 One is in your book on Page 459 from Susan Henderson of  
6 Coldfoot, who supports this proposal. And then  
7 subsequent to the printing of the Board Book, we received  
8 a fax in our office from the proponent, Mr. Brattrud, and  
9 he's just reaffirming that he's a resident, as well as  
10 his wife, in Unit 20(F).

11

12 Thank you.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Next  
15 time I see Vince, I'm going to ask him how does he get  
16 annual leave during meeting week, because maybe I might  
17 try to learn a couple lessons.

18

19 We have no requests for additional public  
20 testimony at this time. Regional Council  
21 recommendations. We have Western, North Slope, some of  
22 the Staff is going to have to highlight their  
23 recommendation, and Eastern. So Western.

24

25 MR. SAM: Thank you, Mr. Chair. We've  
26 dealing with this issue for quite some time, the C&T,  
27 positive C&T for -- especially for Stevens Village, who's  
28 pretty much on the Dalton Highway Corridor. We dealt  
29 with this with black bear, and I guess it's through  
30 hindsight that it's taken this long to recognize their  
31 qualifications to harvest brown bear and other species.  
32 Again, the Western Interior Council expressed concern on  
33 granting of positive C&Ts, because we have requests from  
34 both ends of our area, Region 6, Western Interior, and we  
35 are hesitant to grant positive C&Ts, especially for the  
36 Dalton Highway Corridor. They are transients, and they  
37 will remain so. The one resident, the proponent of the  
38 proposal, will move up and down that corridor to his  
39 advantage, and to his preference, and I think that it  
40 just shows that the real positive C&T for Federally-  
41 qualified subsistence users are from both Stevens Village  
42 and Wiseman. Other than that, all those other  
43 communities or settlements are way stations or gas  
44 stations or work stations for pipeline, so -- and Jack  
45 Reakoff, a Council member from Western Interior, knows  
46 that area well, and the residents, and he can tell you  
47 that most of them, if not all of them are more or less  
48 transient, or they may get their license and their -- get  
49 recognized as federally-qualified subsistence users, but  
50 then in a few years, they're out of there, too, again,  
51 because again these are a lot of work stations, and -- we

1 do support this Proposal 55 especially to recognize  
2 Stevens Village, and that's from out of our area.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you. Before  
7 we go to the Staff analysis for North Slope's  
8 recommendation, Eastern, I see you're defer to the home  
9 region is your recommendation. Do you have anything else  
10 to add?

11

12 MR. FLEENER: Yes, Mr. Chair, thank you.  
13 I did want to comment although Eastern Interior deferred  
14 this to the home region, we also had discussions along  
15 the lines of our concern with providing a priority to  
16 communities that may not truly -- or to individuals that  
17 may not truly exhibit a subsistence lifestyle, and if a  
18 large percentage of the population are non-subsistence  
19 transients, that's a concern to people. We, of course,  
20 always support inclusion of permanent rural residents who  
21 need subsistence resources, but we're concerned about  
22 including those who are primarily transients.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Who's  
27 going to do -- Helen, is that you that -- okay.

28

29 MS. H. ARMSTRONG: I'll to North Slope.  
30 I'm the anthropologist on that Staff, and I was -- or for  
31 that Council, and I was at the meeting.

32

33 The North Slope supported the proposal  
34 with modification to exclude those people living in Unit  
35 20(F) along the corridor. And they reason they excluded  
36 them was because Jack Reakoff was on teleconference with  
37 us, and he was very firm in saying there weren't any  
38 people living along there, which contradicts what Andrew  
39 Bratrud's letter says. He says he does live there. He  
40 works I guess along the corridor, and then he has a  
41 trapper's cabin somewhere off of the corridor. But I'm  
42 not sure we should focus on individuals living in 20(F)  
43 or not, but I would also point out, it's interesting to  
44 note that in Unit 26 they have C&T for the whole of Unit  
45 26, including the corridor, although there are no people  
46 living there either.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Thank you. Staff

1 Committee.

2

3 MR. BRELSFORD: Thank you very much, Mr.  
4 Chairman. This is Taylor Brelsford from the BLM, and I'm  
5 happy to offer the Staff Committee's recommendation on  
6 this proposal.

7

8 I'd like to suggest that this is actually  
9 one on which there is broad and essential agreement at  
10 this point. We are adjusting several C&T's in the Dalton  
11 Highway Corridor to recognize the additional uses of some  
12 long-term residents outside of the community of Wiseman.  
13 And as I say, there's a core agreement. We're following  
14 in the lead of the Regional Council in this instance.

15

16 The specific recommendation from the  
17 Staff Committee is to support the proposal with  
18 modification consistent with the recommendation of the  
19 Western Interior and North Slope Regional Advisory  
20 Councils. The revised language is found on Page 458. We  
21 make two points in justification. The first is that  
22 while the limit -- while the information regarding the  
23 uses of disbursed residents along the Dalton Highway  
24 Corridor is limited, we believe that some of these  
25 residents do have long-term ties to the area and the  
26 natural resources. There are a small number of people  
27 involved. Much of the historic use pattern has been  
28 established by the indigenous people, the Koyukon  
29 Athabascans, and Nunamiut Eskimo people. However, there  
30 are non-Native users in the region with long-term  
31 patterns, particularly in the community of Wiseman. The  
32 Western Interior Regional Council in their discussion  
33 agreed or noted that the permanent residents are adopting  
34 many of the uses similar to those of other communities in  
35 the region.

36

37 The Regional Council recommendation  
38 opposes that portion of the original proposal that would  
39 extend the customary and traditional use determination to  
40 Unit 20(F) north of the Yukon River. This would be the  
41 southernmost part of the Dalton Highway Corridor under  
42 consideration right now. The Western Interior Council  
43 provided compelling testimony that there are no permanent  
44 residents in this portion of the Dalton Highway Corridor  
45 Management Area, and that the commercial fuel and lodging  
46 facility at the Yukon crossing is a seasonal facility,  
47 closed down outside of the summer months. Seasonal  
48 residents at this commercial facility do not have a  
49 primary place of residency at this location, and have not  
50 established a qualifying pattern of use for the brown

1 bear.

2

3

Thank you, Mr. Chairman.

4

5

6

CHAIRMAN DEMIENTIEFF: Thank you.  
Department comments.

7

8

9

MS. SEE: Thank you, Mr. Chairman. My  
name is Marianne See with Division of Subsistence.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

We are not aware of specific new  
information, although it's certainly welcome knowing if  
there is new information about the use of the residents  
in that area that would address this technical concern.  
And it really is a technical concern. We encourage the  
Office of Subsistence Management to continue the current  
effort that they are undergoing to evaluate and clarify  
the technical standards to be used in making customary  
and traditional determinations. We think that's a very  
important effort. We certainly offer our assistance  
towards making sure that that methodology becomes more  
clear and consistent, but we differ strongly in our  
approach to this, and we do require more substantiation  
of the pattern of use in the area under consideration.  
And when you narrow an area to a very specific place, we

1 feel it's important to use specific information.  
2 Otherwise, you can't either substantiate or refute a  
3 particular proposal one way or the other.

4  
5 So that is why we are neutral on this  
6 proposal, and we'll answer any questions that you may  
7 have about this position.

8  
9 Thank you.

10  
11 CHAIRMAN DEMIENTIEFF: Thank you very  
12 much. Discussion.

13  
14 MR. EDWARDS: Mr. Chair, I just want to  
15 understand that the proposal as amended will include the  
16 person who made the proposal to begin with, is that  
17 right?

18  
19 CHAIRMAN DEMIENTIEFF: Helen.

20  
21 MS. H. ARMSTRONG: No, it does not. The  
22 person who made -- the person, Andy Bratrud, who made  
23 the proposal, works on the corridor at the -- what was it  
24 called, Taylor?

25  
26 MR. BRELSFORD: Yukon Crossing.

27  
28 MS. H. ARMSTRONG: At the Yukon Crossing,  
29 but what's the facility called that they -- where he  
30 works?

31  
32 MR. BRELSFORD: I believe it's being  
33 referred to as Yukon Crossing.

34  
35 MS. H. ARMSTRONG: Okay. Just Yukon  
36 Crossing.

37  
38 MR. BRELSFORD: It's the fuel and  
39 lodging.....

40  
41 MS. H. ARMSTRONG: Fuel and lodging.  
42 Okay.

43  
44 MR. BRELSFORD: .....seasonal facility  
45 just north of the Yukon River.

46  
47 MS. H. ARMSTRONG: He works there and  
48 then -- and he has a P.O. Box in Coldfoot and he has a  
49 trapper's cabin that he's at in the winter off of the  
50 corridor. But he's claiming permanent residency on the

1 corridor.

2

3 MR. EDWARDS: And our conclusion is he is  
4 or he isn't?

5

6 MS. H. ARMSTRONG: He isn't a permanent  
7 resident? Well, I'm not sure there's a conclusion, but  
8 that's what we were told by Jack Reakoff who lives in  
9 Wiseman. He testified at the Council meetings, he was on  
10 teleconference, saying that he's not a resident. But I'm  
11 not sure we should get into -- I mean, that's an  
12 enforcement issue of whether he's a resident or not a  
13 resident.

14

15 MR. EDWARDS: But why isn't that an issue  
16 whether we exclude him or not exclude him? I mean, I've  
17 always believed that legally you can only be a resident  
18 at one place.

19

20 CHAIRMAN DEMIENTIEFF: Don.

21

22 MR. RIVARD: Mr. Chair. Maybe it would  
23 be good to read a little bit more of his letter so that  
24 -- Mr. Brattrud's letter here. This is what he states.

25

26 We live in 20(F) within the Dalton  
27 Highway Corridor, north of the Yukon River. My name is  
28 Andy Brattrud, and my wife Barbara also live there. We  
29 moved here in May of 2003. Before that we lived in  
30 Coldfoot. We were given the opportunity to work down  
31 here and work, so we did. We worked here until closing,  
32 then we were on our trap line all winter, then at  
33 Coldfoot for a few weeks, and are now at our residence in  
34 20(F). The majority of the year is spent at Milepost 56  
35 Dalton Highway in 20(F) north of the Yukon River.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Yes, Helen.

40

41 MS. H. ARMSTRONG: Since we're getting  
42 into the details of his residency, I would like to add,  
43 and this is public information, it's not confidential,  
44 that his 2003 application for dividend showed an address  
45 for him and his family in Fairbanks.

46

47 CHAIRMAN DEMIENTIEFF: Thank you.

48

49 MR. BISSON: Mr. Chairman, I might also  
50 add, I believe I'm correct on this, and I'm going to ask

1 Taylor to make a phone call, but I believe that that  
2 Yukon Crossing is actually a concession on Federal lands.  
3 I don't believe that's private land. But there's a  
4 concession operation there to provide a restaurant and  
5 gas and so on. And the real issue is, is his permanent  
6 residence the trapping cabin, which it won't be that  
7 concession, or is it some place completely outside of the  
8 area. And what unit is the trapping cabin in?

9  
10 MS. H. ARMSTRONG: It's off of the  
11 corridor.

12  
13 MR. BISSON: It's completely off the  
14 corridor?

15  
16 MS. H. ARMSTRONG: I'm not sure where it  
17 is, but I know it's off the corridor.

18  
19 CHAIRMAN DEMIENTIEFF: Keith.

20  
21 MR. GOLTZ: I wouldn't advise writing any  
22 more regulations for individuals. Where he lives is an  
23 enforcement question. We have some technical standards  
24 in our regulations, and we want to apply those  
25 consistently across the board, and I don't know that we  
26 have the data here to make a judgment on this particular  
27 individual. And I would recommend against it.

28  
29 CHAIRMAN DEMIENTIEFF: Yeah, the other  
30 thing -- Ron, go ahead.

31  
32 MR. SAM: I stand to be corrected, but if  
33 he receives his permanent fund check at Fairbanks, that  
34 to me states that he is a resident of Fairbanks. And  
35 that is -- is that taken into context? I'm just  
36 questioning the ethics of this.

37  
38 MR. GOLTZ: That's one of the elements in  
39 our regulations, yeah.

40  
41 CHAIRMAN DEMIENTIEFF: Go ahead.

42  
43 MR. EDWARDS: Well, Mr. Chairman, the  
44 only thing I was trying to wrestle with, we have an  
45 individual who made a proposal which we are approving,  
46 but our approval eliminates him from his own proposal.  
47 It just seemed a little odd. I mean, I just -- that's  
48 what I was trying to understand. I mean, we wouldn't be  
49 even having this in front of us if he hadn't proposed it,  
50 and we went ahead and are agreeing with most of what he's

1 proposing, but the most important part to him, we're  
2 excluding. I don't know, it just seems odd.

3  
4 CHAIRMAN DEMIENTIEFF: Well, yeah,  
5 there's lots of reasons for those kind of things, so I  
6 mean, if he gets his permanent fund in Fairbanks, it  
7 could be very -- just simply is that there's no mail  
8 delivery in his area, you know, so he's go to go to  
9 wherever he can go and get his mail. And it might be as  
10 simple as that. But anyway, we can -- you know, I think  
11 we've got the issue in front of us, and we've got to stay  
12 focused and stay off of the individual.

13  
14 We have a gentleman that lives north of  
15 Nenana, and commutes to work in Healy, six-tens. And  
16 couldn't get his mail, plain and simple. So he stuck a  
17 mailbox out in the middle of nowhere. It's a swamp on  
18 one side and a rifle range on the other, and he had his  
19 mail delivered there, so on his way to work, that's where  
20 he picked up his mail. It's mile, I don't know what it  
21 would be, 303 I think. And, you know, there he was, Mile  
22 303, Nenana, but -- and the Post Office actually let him  
23 go for a little while, and then pretty soon they cut down  
24 on him, and then the mail box is gone, but he just simply  
25 worked the days and the hours that the post office was  
26 opened, and that's what he did. So anyway.

27  
28 Yeah, I agree I think with Keith, that  
29 it's not for an individual, we're discussing the issue,  
30 so we'll try to keep it focused on the issue if we can.

31  
32 MR. BISSON: Mr. Chairman, if there's no  
33 further discussion on this issue, I would move to adopt  
34 the proposal with the modification recommended by the  
35 Western Interior and North Slope Regional Councils to  
36 extend the customary and traditional use finding to other  
37 Unit 24 Dalton Highway Corridor residents outside of  
38 Wiseman. In contrast, this motion would not extend the  
39 finding to the southern portion of the corridor in Unit  
40 20(F).

41  
42 CHAIRMAN DEMIENTIEFF: Thank you. Is  
43 there a second to that motion?

44  
45 MR. TONY: Second.

46  
47 CHAIRMAN DEMIENTIEFF: Further discussion  
48 on the motion.

49  
50 (No comments)

1 CHAIRMAN DEMIENTIEFF: Hearing none, all  
2 those in favor please signify by saying aye.

3  
4 IN UNISON: Aye.

5  
6 CHAIRMAN DEMIENTIEFF: Those opposed same  
7 sign.

8  
9 (No opposing votes)

10  
11 CHAIRMAN DEMIENTIEFF: Motion carries.

12  
13 MR. EDWARDS: Mr. Chairman, I guess when  
14 we get back to this individual, it's going to be kind of  
15 a good news/bad news. The good news is his proposal  
16 passed. The bad news is he was excluded from it.

17  
18 CHAIRMAN DEMIENTIEFF: Yeah. I don't  
19 think we'll go there with that. 57.

20  
21 MR. RIVARD: Thank you, Mr. Chair. Don  
22 Rivard. I'll be presenting this to the Board today,  
23 filling in for Pete DeMatteo who was the lead author on  
24 this. He's unable to be here today.

25  
26 Proposal WP04-57, submitted by Jack  
27 Reakoff of Wiseman, would extend the harvest season for  
28 sheep in part of Unit 24. This would lengthen the sheep  
29 harvest in that Unit 24, that portion within the Dalton  
30 Highway Corridor Management Area, except Gates of the  
31 Arctic National Park, from August 10th to September 20th,  
32 with the new dates being August 10th through September  
33 30th. This is an extension of the current season by 10  
34 days, and would result in a harvest season of 52 days.  
35 The proponent states that the extended season is needed  
36 because hunters are occupied by moose hunting activities  
37 during much of the current sheep season. And the moose  
38 season ends in that area on September 25th.

39  
40 I failed to mention that this analysis  
41 starts on Page 493.

42  
43 A population of concern lies east of the  
44 Dalton Highway Corridor Management Area where the harvest  
45 that's done by non-local hunter occurs. And the current  
46 Federal and State regulations provide an August 1st  
47 through April 30th season, with a three sheep limit on  
48 lands west of the corridor within Gates of the Arctic  
49 National Park.

50

1                   The Department of Fish and Game conducted  
2 a sheep surveys during June 2002 and 2003 in part of the  
3 upper Chandalar River drainage east of the Dalton  
4 Highway, and also in June 2003 in the drainages of the  
5 Atigun and the west fork of the, and this is a tough one  
6 for me to pronounce, the Sagavanirktok Rivers. That's on  
7 -- it shows that in the map on Page 495. A total of 1539  
8 sheep were observed in June of 2002, compared to 989  
9 sheep observed in June of 2003. In the western part of  
10 the Chandalar, 631 sheep were observed in 2003 compared  
11 to 945 in 2002. In the eastern part of the Chandalar  
12 survey, 358 sheep were observed in 2003 compared to 574  
13 in 2002.

14  
15                   So there was at least a 30 percent  
16 reduction in all age classes, with the greatest declines  
17 in lambs and young rams. The decline is consistent with  
18 the theory that there was a high winter mortality due to  
19 deep snow. In addition, it is possible that some sheep  
20 may have moved outside the survey area. Also, the change  
21 in legal rams observed in the surveys was similar to  
22 other sheep age classes. This would indicate that  
23 hunting was not the cause of the decline from 2002 to  
24 2003.

25  
26                   It should also be noted that the number  
27 of sport hunters and sheep harvest in the survey area,  
28 between the Dalton Highway and the North Fork Chandalar  
29 River, during the last four years has been increasing  
30 each year. And that can be seen in Table 2 on Page 497.

31  
32                   Beginning in 1992, the BLM administered  
33 two Federal subsistence hunts along the Dalton Highway  
34 Corridor Management Area. This is known as permit hunt  
35 number RS424 in Unit 24 was for residents of Unit 24  
36 north of the Arctic Circle, and residents of Allakaket,  
37 Alatna, Hughes and Huslia. The second Federal  
38 subsistence hunt was in the Unit 26(B) portion of the  
39 Dalton Highway Corridor Management Area. Non-Federally-  
40 qualified hunters were also allowed to hunt in the Dalton  
41 Highway Corridor Management Area under more restrictive  
42 State regulations.

43  
44                   If you look on Page 499, on Table 3,  
45 you'll see that from 1995 through 2002 a total of 55  
46 hunters reported harvesting 16 sheep. They spent 170  
47 days hunting, and the hunting dates ranged from August  
48 24th to September 20th. The number of hunters and the  
49 annual harvest reported during this time period has  
50 remained fairly constant throughout that period.

1                   The effects of this proposal is that it  
2 would lengthen the harvest season in Unit 24, that  
3 portion within the Dalton Highway Corridor Management  
4 Area, except Gates of the Arctic National Park, by an  
5 additional 10 days, extending the season to September  
6 30th. This additional 10 days would provide increased  
7 flexibility for Federally-qualified subsistence hunters  
8 to schedule moose and sheep harvest. However, the  
9 additional of 10 days to the current Federal season could  
10 increase the harvest as hunters have this additional 10  
11 days to hunt. An increase in the harvest could impact  
12 the current sheep population which has shown a recent 30  
13 percent reduction in all age classes.

14  
15                   And that is my presentation. Thank you.

16  
17                   CHAIRMAN DEMIENTIEFF: Written public  
18 comments.

19  
20                   MR. RIVARD: There were no written public  
21 comments for this proposal. Thank you.

22  
23                   CHAIRMAN DEMIENTIEFF: We have no  
24 requests for public testimony. Regional Council  
25 recommendation.

26  
27                   MR. SAM: Thank you, Mr. Chairman. We  
28 supported this Proposal 57. On Page 490 you see our  
29 justification for supporting it. I do have one question  
30 for Don, but that can wait, because we are in full  
31 support of this proposal. We do not think it will impact  
32 the sheep population one way or the other. I think it  
33 more these hunter are more opportunistic than anything  
34 else, too, you know. But they do harvest them pretty  
35 often, because they are there.

36  
37                   Thank you.

38  
39                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
40 Committee.

41  
42                   MR. BRELSFORD: Thank you, Mr. Chairman.  
43 Taylor Brelsford for the BLM. The Staff Committee  
44 recommendation is found on -- I just had it. On Page  
45 491.

46  
47                   I want to mention that this proposal had  
48 extensive discussion at the Western Interior Regional  
49 Council meeting. Some of that discussion is actually  
50 characterized on the last page of the Staff analysis in

1 case those details are of interest to the Board members,  
2 and I would say that there was additional detailed  
3 discussion at the Staff Committee meeting. Ultimately  
4 the Staff Committee recommendation aligns with the  
5 Western Interior Regional Council, that is to say,  
6 support the proposal consistent with that recommendation.

7  
8

9                   Our justification is to acknowledge a  
10 biological concern, particularly when the population  
11 analysis is conducted at a broad geographic level. At a  
12 broad level, the sheep population in the central Brooks  
13 Range does show signs of poor recruitment and potential  
14 decline. However, the population within the Dalton  
15 Highway Corridor Management Area is likely to have a  
16 better age structure due to the more restrictive harvest  
17 regime, and significantly lower level of hunting  
18 pressure.

19  
20

                  To the east of the Corridor Management  
21 Area, the significant and growing guided hunting effort  
22 has occurred. However, within the Corridor Management  
23 Area, State-qualified hunters are required to use bow and  
24 arrow, therefore significantly limiting the effective  
25 pressure from this larger user group. Federally-  
26 qualified users in the Corridor Management Area may use  
27 firearms, and have a slightly more liberal horn  
28 configuration provision in their harvest limit. However,  
29 the Federally-qualified user group within the Corridor  
30 Management Area is very small and stable, averaging seven  
31 hunters and two sheep harvest per year since 1992. there  
32 is little prospect for growth in the Federal subsistence  
33 hunter numbers since they come primarily from the small  
34 community of Wiseman, and as we've heard previously, a  
35 small number of other residents within the corridor in  
36 Unit 24.

37  
38

                  Given the small user group and the stable  
39 level of use, it is likely that the 10-day extension in  
40 the Federal season will simply redistribute the current  
41 level of use. No significant increase in Federal  
42 subsistence harvest is likely, and no adverse impact on  
43 the sheep population is likely.

44  
45

                  Thank you, Mr. Chairman.

46  
47

                  CHAIRMAN DEMIENTIEFF: Thank you.  
48 Department comments.

49  
50

                  MR. HAYNES: Mr. Chairman, the Department

1 does not support this proposal. Current information  
2 indicates that Dall Sheep populations in the Central  
3 Brooks Range appear to be declining due to poor  
4 recruitment. Conservative management is needed as long  
5 as the population is exhibiting poor productivity. The  
6 proposal would add 10 days to the current Federal season  
7 in the Dalton Highway Corridor Management Area, which  
8 could increase both hunting effort and success rates, and  
9 thereby create a conservation issue.

10

11 I won't repeat the specific information  
12 that Mr. Rivard presented in the analysis about the  
13 effects of deep snow, the observed declines in certain  
14 aspects of the populations there.

15

16 The concern about the health of these  
17 sheep populations in that general area is widespread, and  
18 I'd like to point out that the Department along with  
19 Bureau of Land Management, Fish and Wildlife Service, and  
20 the National Park Service met earlier this year to  
21 discuss further collaborative monitoring of sheep  
22 populations in the Brooks Range area along the Dalton  
23 Highway. All four agencies are concerned about the need  
24 for sheep population data, because of the increased  
25 hunting pressure being observed in central and eastern  
26 Brooks Range. And we're hoping that there will be some  
27 population research initiated this year that will help to  
28 shed light on the status of the sheep populations in this  
29 area. But at this time, we don't believe it's wise to  
30 extend the season for hunting sheep in the corridor.

31

32 Thank you.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.

35 Discussion.

36

37 MR. BISSON: Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MR. BISSON: Over the last week or so  
42 we've had some discussion with members of the Western  
43 Interior Council, and with Alaska Department of Fish and  
44 Game about conceptually instead of adding 10 days, about  
45 changing the dates for the hunt. Moving the dates,  
46 instead of being from August until -- August 1st until  
47 September 20th, just simply shifting that 30-day period,  
48 and making the hunt from August 20th to September 30th.  
49 There have been no sheep harvested before August 24th in  
50 any period. This would accommodate the residents

1 concerns about being able to do their sheep hunting after  
2 they finish their moose hunting, and would not provide  
3 any additional opportunity. It would simply change the  
4 dates for the 30-day period. What I would ask at this  
5 time perhaps, if it's amenable to you, to perhaps asked  
6 the Western Interior Council, and Alaska Department of  
7 Fish and Game whether they have any comments about  
8 perhaps altering or amending this proposal along those  
9 lines.

10

11 CHAIRMAN DEMIENTIEFF: Ron.

12

13 MR. SAM: Thank you, Mr. Chair. That was  
14 the question I was going to address to Mr. Rivard,  
15 because we met briefly when I came down to attend this  
16 conference here, and then we briefly discussed it, but,  
17 however, it wasn't shown in the book that there August  
18 20th to September 30th. Mr. Rivard stated to me that he  
19 was talking with Jack Reakoff, and he was willing to  
20 accept the August 20th to September 30th, and I would  
21 have no problem if you amended this proposal to change  
22 the date from August 10th to August 20th through  
23 September 30th. I would have no problem with that. I  
24 think that would more accommodate the few residents of  
25 Wiseman who use this hunt.

26

27 Thank you, Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. Does  
30 the State have comments?

31

32 MR. HAYNES: Thank you, Mr. Chairman. As  
33 we understand the proposal, the desire is to have more  
34 sheep hunting time after moose hunting is completed, so  
35 we don't see this, taking 10 days off the front of the  
36 season as being a restriction, and we would support that  
37 recommendation.

38

39 MS. GOTTLIEB: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MS. GOTTLIEB: Well, certainly Jack  
44 Reakoff is one of our most respective and reliable local  
45 people, and so if he supports this change, we would go  
46 along with it as well. Thanks for checking.

47

48 MR. EDWARDS: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. EDWARDS: I just have kind of a  
2 general question for the State. I mean, if we do have  
3 concerns in this area, aren't there some parts within the  
4 Brooks where we actually have a three limit on either  
5 sex, which seems to be kind of high given the concerns  
6 that have been expressed?

7  
8 MR. HAYNES: Mr. Chairman, there is a  
9 three sheep bag limit for Kaktovik in Unit 26(C). Are  
10 you referring to that season or to the.....

11  
12 MR. EDWARDS: I thought there were some  
13 also within the Brooks Range itself, are there not?

14  
15 MR. HAYNES: For the Anaktuvuk Pass and  
16 that area, I believe there is. And I think part of the  
17 response to your question is the need for better  
18 biological information so that we can determine just what  
19 the situation is, and whether there do need to be  
20 restrictions imposed.

21  
22 CHAIRMAN DEMIENTIEFF: Further  
23 discussion.

24  
25 (No comments)

26  
27 MR. BISSON: Mr. Chairman, I'm prepared  
28 to offer a motion.

29  
30 CHAIRMAN DEMIENTIEFF: Yes.

31  
32 MR. BISSON: I move to adopt the proposal  
33 with the modification in order to provide the flexibility  
34 requested by the proponent without a net increase in the  
35 sheep hunting season. The resulting season would run  
36 from August 20th through September 30th. The Staff  
37 analysis indicates that the Federal hunters have not been  
38 taking sheep prior to August 20th, so this would not pose  
39 a limitation on the subsistence users. At the same time  
40 avoiding an increase in total season length would respond  
41 to the State concerns about the sheep population in the  
42 central Brooks Range. I also understand that the  
43 proponent, Jack Reakoff, has been consulted, which we've  
44 already heard about the proposed change, and does not  
45 object to this compromise.

46  
47 CHAIRMAN DEMIENTIEFF: Thank you. We  
48 have a motion. Is there a second.

49  
50 MR. EDWARDS: Second.

1                   CHAIRMAN DEMIENTIEFF: Discussion on the  
2 motion.

3  
4                   (No comments)

5  
6                   CHAIRMAN DEMIENTIEFF: Hearing none, all  
7 those in favor signify by saying aye.

8  
9                   IN UNISON: Aye.

10  
11                  CHAIRMAN DEMIENTIEFF: Those opposed,  
12 same sign.

13  
14                  (No opposing votes)

15  
16                  CHAIRMAN DEMIENTIEFF: Motion carries.  
17 There was some question, let me just clarify it, about  
18 Proposal 56, which was actually linked to Proposal 82.  
19 So we will take them up in numerical sequence since 82  
20 was the lead proposal in that particular case. 56 was --  
21 so we will take that up at that time.

22  
23                  With that, we will move on to 61.

24  
25                  MS. PETRIVELLI: Mr. Chairman and Board,  
26 my name is Pat Petrivelli, and I was the analyst assigned  
27 to Proposal 61, and that analysis begins on Page 526.

28  
29                  Proposal 61 was submitted by the  
30 Association of the Village Council Presidents, and it  
31 requested C&T determination for the use of moose in 21(E)  
32 for all the residents of Unit 18. The existing C&T for  
33 Unit 21(E) has a positive determination for the residents  
34 of 21(E) and the residents of Russian Mission. The  
35 Federal lands in 21(E) consist of 11 percent Fish and  
36 Wildlife Service lands, and 44 percent BLM administered  
37 lands.

38  
39                  This issue has been under consideration  
40 for the past two regulatory cycles with a different  
41 proposal. At the last Board meeting, the Board deferred  
42 actions on Proposal 03-33 and directed that the Western  
43 Interior and Yukon-Kuskokwim Delta Councils meet and  
44 discuss the issue, because they had conflicting  
45 recommendations. The Councils met together in October of  
46 last year, and after discussion of the issue, both  
47 Councils agreed to ask the proponent to withdraw his  
48 proposal.

49  
50                  This proposal is different from that

1 proposal in that last year's proposal dealt with a subset  
2 of Unit 18 communities, and a smaller portion of Unit  
3 21(E). And, well, the actual maps involved in this  
4 analysis are in the supplemental map package. The map of  
5 Unit 21(E) is on -- full 21(E) and a portion is on Page 8  
6 of the supplemental package. And on Page 9 it shows the  
7 smaller portion that was dealt with last year. But, as I  
8 said, this request deals with all communities in Unit 18  
9 and all of Unit 21(E).

10  
11 Since no new information has been  
12 collected since last year, much of the information in the  
13 analysis is just a reformatting of information presented  
14 in Proposals 02-31 and 03-33. And because it dealt with  
15 all of Unit 18, I also took information from Proposals  
16 96-45 and 46.

17  
18 One other thing that I included, and  
19 that's on Page 529, is a table of the current regulations  
20 in Unit 18 and 21, because when the proponent agreed to  
21 withdraw his proposal last year, he said that really he  
22 only wanted -- he agreed to do so, but he wanted to look  
23 at aligning the dates of the two units, so -- but just to  
24 show the relationship, besides just the closeness of the  
25 regulations, but Table 1 has a summary of all the  
26 regulations involved.

27  
28 But with the C&T analysis, the sources  
29 that I used -- that were used in the various analyses,  
30 there were ethnographic sources that were from Zagoskin,  
31 Nelson, Oswalt, VanStone, and Snow. And the contemporary  
32 uses were documented by ADF&G household surveys and  
33 studies carried out in all of the Unit 21(E) communities,  
34 and 11 of the 39 Unit 18 communities. And data from the  
35 household surveys are contained in Table 3 and Table 4.

36  
37 There were five technical reports that  
38 were written as a result of these household surveys, and  
39 they were consulted for information.

40  
41 The other sources of data is the wildlife  
42 harvest data base, and that information is presented in  
43 Tables 5 and 6. And then Table 7 contains the  
44 information available from mapping data.

45  
46 Since the Board -- or since the customary  
47 and traditional use of moose has been recognized in 21(E)  
48 and in Unit 18, the main focus of interest was actually  
49 on where people actually hunt moose and the level of that  
50 use. And so I just went ahead and summarized that, and

1 that's provided in Table 8 on Page 541. And so with that  
2 shaded area, what that actually shows is the level of use  
3 of moose in 21(E). So particularly the communities that  
4 have positive C&T, all three columns are shaded for those  
5 communities, and mapping use shows and there's the  
6 harvest efforts and the permit use. And then the shading  
7 goes down -- well, for purposes of comparison, the lower  
8 Yukon communities were grouped together, the Kuskokwim  
9 communities and the coastal communities. But the shaded  
10 areas are where there's actual use of moose shown in  
11 21(E). It does show, you know, that people do use moose  
12 in Unit 18, but the shaded areas only showed where  
13 there's actual documented use in 21(E). And, of course,  
14 that's just through the two sources that were available  
15 through the reporting of harvest ticket data, and then  
16 also mapping data.

17  
18 One thing that has to be said about the  
19 harvest ticket data is, and it's noted in the analysis,  
20 about the accuracy of the reporting and compliance with  
21 harvest ticket reporting, and then the other limitation  
22 of mapping data is that those -- all the mapping data  
23 sources aren't comparable, so it could be just like a  
24 one-year period or a five-year period, or a 10-year  
25 period. But this is just where any mapping data shows  
26 any use of 21(E) for moose.

27  
28 That concludes my analysis.

29  
30 CHAIRMAN DEMIENTIEFF: I'm sorry.  
31 Written public comments.

32  
33 MR. RIVARD: Yes, Mr. Chair. On Page 525  
34 there's two written public comments. One is opposed by  
35 the Grayling, Anvik, Shageluk, Holy Cross Local Fish and  
36 Game Advisory Committee, and one is for -- in support by  
37 Ross Boring of Bethel.

38  
39 Subsequent to the printing of the book,  
40 last week we received a letter from the Association of  
41 Village Council Presidents, from Mr. Tim Andrew, and he's  
42 here today, and he's going to respond -- he's going to  
43 present that himself.

44  
45 Thank you.

46  
47 CHAIRMAN DEMIENTIEFF: Okay. We now will  
48 go to public testimony. Tim Andrew.

49  
50 MR. ANDREW: Thank you, Mr. Chairman,

1 Members of the Board, for this opportunity to testify  
2 before you today on Proposal 61.

3

4 As Mr. Rivard had reported, that we have  
5 submitted a letter on May 13th to the Office of  
6 Subsistence Management to Mr. Chairman, and sent a copy  
7 to Tanana Chiefs Conference, and to the YK RAC as well,  
8 expressing our wish to defer this proposal for at least  
9 one year, until May 2005. However, recent conversations  
10 with our counterparts and other parties involved, we  
11 would like to withdraw the proposal at this time.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Mike  
14 Smith.

15

16 MR. SMITH: Thank you, Mr. Chairman. My  
17 name is Mike Smith, and I work for Tanana Chiefs  
18 Conference.

19

20 While we are probably all a little  
21 concerned about the time we've spent on this proposal and  
22 where it goes, I think over the course of the last 15  
23 years, this issue has surfaced, but I think what is  
24 really compelling I guess about this issue is the  
25 questions that it asks, and it asked us to answer. While  
26 C&T determinations were primarily designed to establish  
27 some distinction between urban and rural areas and stuff  
28 like that, the application of that process amongst Native  
29 groups who in close proximity to each other has never  
30 really been quite answered. That issue, we as a Native  
31 community, we feel need to step up and undertake that  
32 challenge about how we go about determining C&T  
33 determinations amongst like communities and population  
34 numbers, and if a few people hunt and fish from a  
35 community in a certain area, does that extend the C&T to  
36 the whole community. That question is becoming more and  
37 more prevalent as our game populations and our fish  
38 populations dwindle, and it's something that I think we  
39 need to undertake.

40

41 While over the last couple of years this  
42 proposal has been before us in a number of fashions, I  
43 think though while -- and we've been aware of these  
44 questions, we just -- to be quite honest, we haven't had  
45 the opportunity over the last year or so to do that.  
46 We've been extremely busy, of course, as you all know  
47 with the State of Alaska Board cycles affecting our  
48 region on fishery issues and stuff of that nature. So  
49 over the course of the next year, we think we have the  
50 opportunity now to try to tackle these tough questions

1 amongst ourselves, and to conduct the type of process  
2 that these questions need to undertake to be answered,  
3 and we applaud AVCP's decision to remove this proposal  
4 from consideration, but we also commit ourselves to  
5 trying to answer some of these tough questions so that in  
6 the future when we address this issue in whatever form it  
7 may come forward to us, whether it be fisheries or the  
8 harvest of moose, or what have you, we might at least be  
9 able to develop some guidelines upon which to make those  
10 tough decisions with.

11

12 Thank you, Mr. Chairman.

13

14 MR. DELFRATE: Thank you. Greg Roczicka.

15

16 MR. ROCZICKA: Yeah. Quyana, Mr.  
17 Chairman. For the record, my name is Greg Roczicka. I  
18 work as the Natural Resource Director for Orutsararmuit  
19 Native Council, and I'm also recently appointed to the  
20 YK-Delta Regional Subsistence Council.

21

22 And at our RAC meeting in early February  
23 we did not have this information in front of us from AVCP  
24 and TCC that they were interested in working on this, or  
25 the situation I think -- or the outcome from the RAC  
26 meeting could have been quite different. I took the  
27 strongest advocacy role. There was discussion at that  
28 Council meeting for possibly deferring this proposal  
29 again, and I was the one that pounded my fist on the  
30 table and said, we've been dealing with it for 15 years.  
31 One more year is not going to make a difference. And I  
32 also had the benefit of holding Tim Andrew's position  
33 with AVCP for several years as director for their Natural  
34 Resource Department, and dealt with George Yaska, my  
35 counterpart in TCC. And so I didn't see anything coming  
36 forward, and I said, let's put it on the table, let the  
37 Board deal with it on its merits.

38

39 However, when both Mr. Andrew and Mr.  
40 Smith came forward and requested the opportunity from the  
41 regional organizations to come forward, and they feel  
42 that they can work it, they possibly can come up with a  
43 workable compromise between the agencies to address the  
44 full issue of the customary and traditional use to  
45 include some of the Kuskokwim villages as well, if that  
46 opportunity is there, I believe they have -- that it only  
47 behooves us to allow them the chance to go forward with  
48 it. So, thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Regional Council.

2

3 MR. WILDE: Yeah, Mr. Chairman, when we  
4 have a meeting at St. Mary's, we didn't have this letter.  
5 However, that AVCP proposal, the Council, they work on  
6 it, they support it. The Yukon-Kuskokwim Delta  
7 Subsistence Regional Council support their proposal,  
8 because many of Unit 18 villages have a traditional  
9 pattern of hunting in 21(E) for moose in the fall and  
10 winter season. The data also support that some Unit 18  
11 communities have shown a consistent pattern of use of  
12 21(E) for moose similar to the level of use shown in  
13 Russian Mission. The Yukon-Kuskokwim Delta Subsistence  
14 Regional Advisory Council make many efforts and work with  
15 Western Interior Regional Advisory Council members and  
16 others, GASH area representatives, to resolve the C&T  
17 issue for moose in 21(E). The Council realize that it is  
18 going to take additional work, and that could take  
19 another couple of years or more to resolve this issue.

20

21 That's all I have, Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Thank you very  
24 much. Staff Committee.

25

26 MR. SAM: Ron.

27

28 CHAIRMAN DEMIENTIEFF: Oh, Western, yeah,  
29 I'm sorry.

30

31 MR. SAM: Okay. If I heard right, the  
32 proponent withdrew this Proposal 61, didn't he?

33

34 CHAIRMAN DEMIENTIEFF: That's correct.

35

36 MR. SAM: And do we need to deliberate  
37 any further on it, if it's withdrawn?

38

39 CHAIRMAN DEMIENTIEFF: Yeah, the train  
40 has already left the station. We have to complete the  
41 process, so we will. But you might want to go with your  
42 recommendation.

43

44 MR. SAM: Yes. Yes. To begin with I  
45 would like to say that I feel their pain both at AVCP and  
46 Tanana Chiefs, because we both went through this proposal  
47 in another way, shape or form. And it hurt us to deal  
48 with it. It was going to -- it's still going to hurt us  
49 to deal with it, but however, we will deal with it.

50

1                   And as far as our position on Proposal  
2 61, that we are still in 100 percent opposition of this  
3 proposal.  
4

5                   We have recognized, and we have developed  
6 communication lines with residents of this area and AVCP  
7 that Western Interior knows that there are positive C&T  
8 users of this area, 21(E). We have no problem with that,  
9 and we told them as long as they've been going through  
10 utilizing this area years and years back since we don't  
11 know when, that it is your grandfather rights to use it.  
12 We had no problem with that.  
13

14                   The problem we had in total opposition of  
15 this proposal is that while you may grant one or two  
16 positive C&T determinations to the residents of one  
17 village, that does not constitute positive C&T uses for  
18 the whole village, and you're looking at, what, about 18  
19 villages? That is why we oppose this so adamantly.  
20

21                   Again, I say this with deep gratitude, I  
22 would like to thank Tanana Chiefs and AVCP for their  
23 deliberation and for their withdrawal. It took a lot of  
24 feelings and a lot of strength to do this, and I do want  
25 to proceed with this and resolve this in one way, shape  
26 or form down the road.  
27

28                   Thank you.

29  
30                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
31 Committee.  
32

33                   MR. BRELSFORD: Thank you, Mr. Chairman.  
34 Taylor Brelsford for the BLM.  
35

36                   The Staff Committee recommendation is  
37 found on Page 523, and it is somewhat extensive. In  
38 light of the proponent's request to withdraw, I'll try  
39 and summarize this more quickly.  
40

41                   In general, what the Staff Committee had  
42 agreed to was to bring back to the table, bring back to  
43 the Board the compromise that was developed by a  
44 subcommittee of the two Regional Councils a year ago. So  
45 what we recommend to the Board is to support the proposal  
46 with modification to include only the lower Yukon River  
47 communities for the southern portion of Unit 21(E) in  
48 which most downriver harvest is concentrated. This was  
49 established last year in Proposal WP03-33. I'll dispense  
50 with the reading of the language itself. Again it's

1 found on Page 523.

2

3

4 In justification, we recognize that there  
5 have been extensive and diligent efforts at consultation  
6 and technical analysis on these conflicting proposals for  
7 the last three years. Last year a compromise proposal  
8 was developed by the subcommittee, but it failed to gain  
9 support of the full Councils. The Board at this time  
10 last year asked those two Councils to meet in joint  
11 session. That meeting was held in October 2003, but no  
12 further progress towards a joint solution emerged. The  
13 two Regional Councils have come to opposite  
14 recommendations on the proposal before us at this time.

15

16 The Staff Committee recommends a limited  
17 additional to the existing customary and traditional use  
18 determination on three grounds. First, we concluded that  
19 it is not reasonable to defer or return this Council  
20 (sic) to the Regional Councils. Every effort had been  
21 made to find a compromise and a consensus between the two  
22 Councils, and more efforts along these lines would in our  
23 view have been an undue burden.

24

25 Secondly the tentative compromise  
26 developed by the subcommittee represents the closest that  
27 users have come to an agreement yet based on  
28 consideration of the technical information and the  
29 testimony. The remaining paragraph indicates some of  
30 trouble, the limitations on existing data, and summarizes  
31 the pattern that we think is justification for the  
32 compromise.

33

34 The third point is that we do believe the  
35 Staff analysis provides limited but sufficient data to  
36 support a finding of customary and traditional uses in  
37 Unit 21(E) for the lower Yukon communities. Again,  
38 limitations on that date, and more detailed discussion of  
39 the data are held in that paragraph.

40

41 To summarize, the Staff Committee  
42 believes that the best case can be made for the lower  
43 Yukon River communities, and that moose hunting  
44 represents an important long-term subsistence activity  
45 for the community as a whole, and that by proximity and  
46 access along the Yukon River, and as reflected in the  
47 limited harvest ticket data, a meaningful portion of that  
48 moose hunting effort by those communities occurs in the  
49 southern part of Unit 21(E).

50

We conclude that the communities of the

1 Bering Sea coast south of the Yukon River have more  
2 limited proximity, and therefore less efficiencies in  
3 transportation and access to the moose hunting in Unit  
4 21(E), despite a limited number of harvest tickets  
5 showing use in this area.

6  
7 For the lower Kuskokwim River  
8 communities, the distance from Unit 21(E) is even  
9 greater, and so the efficiency of access is even less.  
10 Some hunters from the lower Kuskokwim River communities,  
11 notably from the large community of Bethel, have hunted  
12 in Unit 21(E), as reflected in the harvest tickets from  
13 1983 to 2000. However, it is unlikely that this  
14 represents a significant pattern of use for the community  
15 as a whole.

16  
17 Finally, the Staff Committee acknowledges  
18 that some central Kuskokwim River communities from Upper  
19 Kalskag to Chuathbaluk have not been analyzed in this  
20 proposal, although they are located a relatively small  
21 distance away from Unit 21(E). As the ADF&G comments  
22 noted, some of these communities are likely to have  
23 customary and traditional uses in portions of 21(E). The  
24 Staff Committee expects that a new proposal would be  
25 submitted to provide for consideration of these  
26 communities at a later time.

27  
28 Thank you, Mr. Chairman.

29  
30 CHAIRMAN DEMIENTIEFF: Thank you.  
31 Department comments.

32  
33 MR. HAYNES: Thank you, Mr. Chairman.  
34 Recognizing that this proposal is apparently going to be  
35 withdrawn, we still support it as modified by the  
36 Interagency Staff Committee. We're delighted that some  
37 progress is being made to address this complex issue.

38  
39 Data presented in the Staff analysis  
40 don't support a finding that all communities in Unit 18  
41 have a customary and traditional use of moose in 21(E).  
42 Information on the eight factors is very limited for some  
43 Unit 18 communities, but upon careful review is  
44 sufficient to support a finding that those communities  
45 included in the Staff Committee Modification have a  
46 customary and traditional use of moose in the southern  
47 portion of Unit 21(E).

48  
49 I think we just simply agree with  
50 everything that's stated in the Staff Committee

1 justification supporting that finding, also recognizing  
2 that there may well be additional communities that will  
3 be evaluated and considered. But we saw this as  
4 certainly a very positive first step in resolving this  
5 complex issue.

6  
7                   Deferring action on this proposal for  
8 another year or a time uncertain may increase the  
9 complexity of a cooperative moose management planning  
10 process, that is planning to be -- or that's scheduled to  
11 be initiated in Unit 21(E) later this year. The  
12 Department received some support from the Office of  
13 Subsistence Management to initiate this planning effort,  
14 and we haven't really been able to sort out whether  
15 taking action on this proposal and establishing a finding  
16 for some communities, or going back to square one by  
17 taking no action, we're not sure how that might affect  
18 this planning effort, but we just throw that up as a  
19 yellow flag that we have some concerns about how far we  
20 can proceed in a moose planning process without the C&T  
21 issue coming to the table, and we really do not believe  
22 that is the place for the C&T issue to get resolved, and  
23 it would really bog down the planning effort. So we  
24 applaud the commitment that AVCP and Tanana Chiefs  
25 Conference are making to attempt to make some progress on  
26 this complex issue.

27  
28                   So with that, we'll just wait and see  
29 what happens.

30  
31                   CHAIRMAN DEMIENTIEFF: Yeah. For once  
32 it's easy to get the bureaucrats to agree, both State and  
33 Federal, but you know, it still remains an issue. But I,  
34 too, want to congratulate the players.

35  
36                   And the only thing missing for me is that  
37 we have contrasting opinions on the record by the RACS,  
38 and that remains a concern to me. So, you know, that's  
39 one of the things we need to work on. Obviously if AVCP  
40 and Tanana Chiefs are willing to talk, then we have to  
41 find a way to get a representative from the RACs to talk  
42 to get additional information back, you know, to the  
43 RACs. And that's the only real thing that I really am  
44 concerned about. You know, I'd like all the players to  
45 be at the table so that we can try to work out some  
46 consensus. You know, we all know this issue has been  
47 before us for a very, very long time, and for the first  
48 time -- I mean, and in other forums, in the State forum  
49 as well as, you know, in our forum here. But I think in  
50 all my years of experience with this issue, this is the

1 most encouraged I've been in terms of people cooperating  
2 to work on the issue, continue to work on the issue. And  
3 with all of our difficult issues, and I've said it time  
4 and time again, the more discussions we have with regard  
5 to difficult things, the more cooperation we have, the  
6 more willingness to discuss, eventually is going to lead  
7 to a solution, albeit maybe not everything everybody  
8 wants, but we will work out a solution, and this is just  
9 the most encouraged I've been in all the years of working  
10 this issue. I worked on one side for a long time, and  
11 now I've got to work at it from both sides. Anyway,  
12 yeah, like I said before, I think when we talk about this  
13 my dad was born and raised in Holy Cross in 21(E). My  
14 grandfather, all that side of the family is from there,  
15 so it's one of these sneaky little things that I know a  
16 little bit more about than I let on sometimes, but it's  
17 -- I can see light at the end of the tunnel basically if  
18 we just take the time and the patience to let the -- let  
19 it work out, I think we're going to all be a lot further  
20 along.

21

22 Other discussion. Ron.

23

24 MR. SAM: Thank you, Mr. Chairman. I  
25 think it's kind of appropriate at this time to address  
26 Mr. Haynes, Terry Haynes' concern about that moose  
27 working group, which we wanted to resolve this issue  
28 within themselves. I think that if we fund them, give  
29 them more funding to hold more meetings, that we would  
30 enhance the position that they can take in resolving this  
31 issue. That was my first hope to resolving this issue  
32 when we were deliberating Proposal 33 then.

33

34 And which reminds me now that this moose  
35 working group for that local area down below Holy Cross,  
36 between Holy Cross and the AVCP area, there's a committee  
37 formed, and I would like to see it keep going on this  
38 issue and keep funded. But that group was based and  
39 formed under the model of the Koyukuk moose working  
40 group, which has run out. It's five years is up, and I  
41 would like to ask that it be reinstated and refunded in  
42 some way, shape or form, because it is the model that the  
43 Kuskokwim moose working group and the other committees  
44 down in that area is based on. These can be very  
45 effective tools, and I would like to see them continued  
46 in one way, shape or form.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Further discussion.

2

3

MS. GOTTLIEB: Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: Yes.

6

7

MS. GOTTLIEB: Well, I'm not quite sure  
8 whether -- well, I'll make a motion to support the  
9 Western Interior Regional Advisory Council, and open that  
10 up for discussion. I'd also like to say that certainly  
11 the analyses that were presented will be a good starting  
12 ground and provide some good additional information for  
13 all the people who are so willing to sit down and talk  
14 some more about this.

15

16

Thank you.

17

18

CHAIRMAN DEMIENTIEFF: There's a motion.  
19 Is there a second to the motion.

20

21

MR. WILDE: Mr. Chairman. Mr. Chairman.

22

23

CHAIRMAN DEMIENTIEFF: Yeah, I -- let me  
24 get a -- I'm going to come right back to you if I can see  
25 where this motion is going.

26

27

MR. BISSON: Mr. Chairman, I guess I'm  
28 trying to understand what the motion is at this time. I  
29 thought the proposal was withdrawn. Are we proceeding  
30 with some.....

31

32

CHAIRMAN DEMIENTIEFF: Well, we have  
33 already got to them, and we heard that testimony, but we  
34 had already -- this train had already left the station.  
35 The motion is to support the recommendation of the  
36 Western Regional Council, which opposes that, and that's  
37 the motion before us, to get something. We have to  
38 dispose of the proposal.

39

40

MR. BISSON: So if we oppose the  
41 resolution or the proposal, then it basically dies at  
42 this point, and they can go back and study it over the  
43 next year and come back.....

44

45

CHAIRMAN DEMIENTIEFF: Correct.

46

47

MR. BISSON: .....to us with something

48 different.

49

50

CHAIRMAN DEMIENTIEFF: Correct. Is there

1 a second to the motion.

2

3

MR. BISSON: I second it.

4

5

CHAIRMAN DEMIENTIEFF: Okay. Harry, you  
6 had something?

7

8

MR. WILDE: Yeah, I was going to say, Mr.  
9 Chairman, I'm sorry, I didn't know you guys are voting on  
10 something. We do respect AVCP, what they do, because he  
11 taking care of a lot of people in the area and all over,  
12 and we work with them very closely when we get into a  
13 bind in some things. And we want to thank -- I want to  
14 thank Board members and Chairman, I never have done this  
15 before, ever since '99, ever since I become Advisory  
16 Council, but I think you never get too old to learn.  
17 That's what I did.

18

19

CHAIRMAN DEMIENTIEFF: Paul.

20

21

MR. TONY: Yeah, Mr. Chairman, just maybe  
22 out of respect for the ongoing process, I'd like to offer  
23 a motion to table indefinitely rather than oppose.

24

25

MR. GOLTZ: You could also move to accept  
26 the offer to withdraw, too.

27

28

MR. EDWARDS: Yeah, Mr. Chairman, I guess  
29 I also -- I don't know if it's just a matter of how it  
30 looks, but it seems to me that by accepting a proposal to  
31 oppose, it doesn't send the right signal that we really  
32 want, because it could appear that we concur with that,  
33 and I don't think it's what we're saying, that we really  
34 concur with that. I think we seem to be supportive of  
35 letting the process at least go one more go round before  
36 we sort of interject in it.

37

38

MR. BISSON: Mr. Chairman.

39

40

CHAIRMAN DEMIENTIEFF: Yes. There is a  
41 motion to table. Is there a second to that motion?

42

43

MR. TONY: Which motion are you talking  
44 about, Mr. Chairman? There was a motion that was.....

45

46

CHAIRMAN DEMIENTIEFF: Right.

47

48

MR. TONY: It was seconded already, so  
49 there's a motion in front of us that we have to vote on I  
50 think before -- unless there's a motion to amend that

1 one.

2

3 MR. BISSON: Mr. Chairman, I would like  
4 to change my motion to table to a motion to amend, to  
5 accept the offer to withdraw the proposal.

6

7 CHAIRMAN DEMIENTIEFF: There is a motion  
8 to amend, yeah, the main motion to accept the withdrawal  
9 of the motion by the proposal motion. Is there a second  
10 to that motion?

11

12 MR. EDWARDS: I'll second it if it's  
13 legal to do that.

14

15 MR. BISSON: Mr. Chairman, maybe the  
16 simplest thing would be to take the first motion and vote  
17 it down and come up with what it is we really want to do.  
18 You know, I don't care. Effectively all we're trying to  
19 do is give the folks out there a chance to work this out,  
20 and I don't know that voting to oppose it necessarily  
21 sends the wrong signal, as long as they have a chance to  
22 work it out and we get to deal with this again next year.  
23 I don't think it matters one way or the other.

24

25 CHAIRMAN DEMIENTIEFF: Since they are not  
26 complying, I will rule that motion out of order, the  
27 amending motion, because it is not related to the main  
28 motion, which is to oppose. If we do vote this down, the  
29 main motion before us, and so we will keep the discussion  
30 to the main motion. So I will rule that one out of  
31 order, and we will deal with the main motion.

32

33 MS. GOTTLIEB: Mr. Chair.

34

35 CHAIRMAN DEMIENTIEFF: And while we're  
36 doing all this, we seem to be having a heck of a lot more  
37 difficulty. I mean, I see the representative from Tanana  
38 Chiefs and AVCP sitting in the back of the room pouring  
39 each other coffee, you know, and yet we're struggling  
40 with this. I mean, there's going to be nothing that's  
41 going to change, you know, that spirit of cooperation  
42 between the two organizations and the two RACs. They're  
43 going to continue to work on the issue. I don't have no  
44 problem, I think what their request was, AVCP, as we  
45 recall, was to withdraw. So in order to get it off the  
46 table, they didn't say defer, they wanted to withdraw.  
47 Okay. So what we do is if we use the Western  
48 recommendation to oppose, which we have on the table  
49 right now, we are respecting the proposal maker's  
50 request, and it will be off the table, and they will come

1 back with something new. So that's why I intend to  
2 support the motion that is before us.

3

4 MR. EDWARDS: Mr. Chairman, I guess I  
5 personally would prefer to, and which I plan to do, is to  
6 vote against the motion as made, and then if that doesn't  
7 carry, then follow with a motion to table the issue,  
8 which I think personally is a cleaner approach to it.

9

10 MS. GOTTLIEB: Mr. Chair. If this  
11 simplifies it -- of course, I made the motion consistent  
12 with our Board policy that we're starting with one of the  
13 Regional Advisory Council recommendations. Based on all  
14 these discussions, if it helps, I'd be glad to withdraw  
15 that motion.

16

17 MR. BISSON: I'll withdraw my second.

18

19 CHAIRMAN DEMIENTIEFF: Okay. So now we  
20 have nothing in front of us. John.

21

22 MR. LITTLEFIELD: If I could offer a  
23 suggestion, Mr. Chair, what I would do is go to Page 521,  
24 and you have Yukon-Kuskokwim has a positive motion to  
25 adopt the language shown at the top. I would move to  
26 adopt that language and the general description, and  
27 assuming that you get a second, if you move to table  
28 without qualifying, like table to indefinitely is not a  
29 proper motion, but just move to table, it goes away. The  
30 Board can take it off the table if they want, but I'd  
31 recommend that you not do that. So that just simply  
32 disposes of the action, then you're going to table it,  
33 and the reasons, of course, are because you've been asked  
34 to withdraw it, and just make that clear in the record.

35

36 MR. BISSON: Mr. Chairman, perhaps,  
37 Keith, you offered a third alterNative which was  
38 basically to pass a motion that allows them to withdraw  
39 the proposal. That to me, it seems like the simplest  
40 thing to do.

41

42 CHAIRMAN DEMIENTIEFF: Yeah, that's a way  
43 to do it. I'm just trying to find a way to accommodate  
44 the proposal maker, and if we want to do that, then  
45 that's fine. Because they obviously want to clean the  
46 table so that they can stay at the table to work out a  
47 solution, so that would be a way to do it. Probably the  
48 cleanest way.

49

50 MR. TONY: Mr. Chairman.

1                   CHAIRMAN DEMIENTIEFF: Yes.  
2  
3                   MR. TONY: Unless there's an objection by  
4 the Western Interior Regional Council or the Yukon-  
5 Kuskokwim Delta Regional Council, I'd like to make a  
6 motion to accept the withdrawal of the proposal by the  
7 maker of the proposal.  
8  
9                   CHAIRMAN DEMIENTIEFF: Thank you. Is  
10 there a second.  
11  
12                  MR. BISSON: I'll second it.  
13  
14                  CHAIRMAN DEMIENTIEFF: Whew. I see we  
15 made the Tanana Chief's guy get away from the AVCP guy on  
16 this.....  
17  
18                  (Laughter)  
19  
20                  CHAIRMAN DEMIENTIEFF: .....during the  
21 course of the deliberations. But I think we finally have  
22 a consensus of maybe -- Ron, do you have something?  
23  
24                  MR. SAM: I think that is the most  
25 fairest and best way to deal with this issue. I think  
26 that settles it all without irritating or violating Harry  
27 or I. I think that is very well said, thank you, Paul  
28 Tony.  
29  
30                  CHAIRMAN DEMIENTIEFF: John.  
31  
32                  MR. LITTLEFIELD: Yeah, Mr. Chair, I  
33 didn't want to confuse anything, but you did have  
34 reasonable Councils with opposing views, and in effect,  
35 you're supporting one of them by the motion before you,  
36 and that's why I offered that. If you tabled it, you're  
37 not supporting either one of them. You're just taking it  
38 off the table. But what you're doing is actually  
39 supporting the Yukon-Kuskokwim. You have an oppose and a  
40 support here, and you're taking a position with one of  
41 them by withdrawing. And moving to table would be  
42 supporting neither of them, it would just be taking it  
43 off the table. That was why I offered that.  
44  
45                  MS. GOTTLIEB: Paul meant AVCP not the  
46 RAC.  
47  
48                  CHAIRMAN DEMIENTIEFF: Right. You know,  
49 that's the thing we have to understand is that the  
50 proponent is AVCP, and they're the ones that want it

1 withdrawn. Irregardless of where the RACs are, I think,  
2 you know, we have to honor that request. Oh, I see  
3 they're back talking to each other again.

4

(Laughter)

6

CHAIRMAN DEMIENTIEFF: Dan

8

9 MR. O'HARA: Well, if you tabled it, you  
10 know, if somebody made a motion to table, it doesn't need  
11 a second, and it doesn't come off the table until whoever  
12 made the motion brings it off the table, and that's real  
13 simple. That's just a comment.

14

15 CHAIRMAN DEMIENTIEFF: Well, the motion  
16 is to accept AVCP's withdrawal of their proposal. Okay.  
17 That's plain and simple. That gets it off, gives them  
18 the room to come back with another proposal. So in that  
19 regard, I support the motion. And when they go back to  
20 the mat and the slate is clean again, and they can work  
21 out a compromise. I'm sure it can be done. It's  
22 cautiously optimistic maybe, but I'm sure it can be done,  
23 as long as the players are at the table.

24

Is there any further discussion.

26

27 MR. KESSLER: Can we call for the  
28 question, please.

29

30 CHAIRMAN DEMIENTIEFF: The question's  
31 been called for. All those in favor signify by saying  
32 aye.

33

IN UNISON: Aye.

35

36 CHAIRMAN DEMIENTIEFF: Those opposed same  
37 sign.

38

(No opposing votes)

40

41 CHAIRMAN DEMIENTIEFF: Motion carries.  
42 Let's see. Proposal 62. Well, it is a quarter 'til  
43 noon. It will probably take us a little bit longer than  
44 that to get through this proposal, so maybe we will just  
45 go ahead and do like we did -- oh, you moved to table the  
46 rest of meeting?

47

(Laughter)

49

50 CHAIRMAN DEMIENTIEFF: I think we're just

1 going to leave Dan in charge of the meeting from here on  
2 out. But anyway, yeah, I think we'll just go ahead and  
3 break and come back at 1:00 o'clock.

4

(Off record)

6

7

(On record)

8

9

CHAIRMAN DEMIENTIEFF: Actually we're  
10 going to shift gears here a little bit. Actually we're  
11 going to leave Western in order to accommodate Ralph  
12 who's got things to do and will be leaving at 2:00  
13 o'clock, so at least maybe if we go to that, we can at  
14 least get your comments in for our consideration, so  
15 we're going to try to go to that. So I don't know who's  
16 going to do the analysis on 1. You? Okay. Good. Well,  
17 let's go ahead and get into it.

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

MR. LAPLANT: Thank you, Mr. Chairman.

Again for the record my name is Dan LaPlant. Mr.  
Chairman, I understand we're going to do Proposal and 78  
together, so I will give the presentation then for  
Proposal No. 1, and Don Rivard will follow with the  
analysis on Proposal 78.

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

1                   And now the most recent change was a  
2 regulatory change made by the Board of Game in March.  
3 And this will go into effect in July, and this regulation  
4 allows the sale of brown bear fur used in handicraft. So  
5 the State proposal that the Board of Game approved in  
6 March is identical to the proposal that's before you now,  
7 and it's from the same proponent, asking for the approval  
8 for the sale of brown bear fur in handicrafts.

9  
10                   The effect of allowing the sale of brown  
11 bear fur used in handicraft is described in more detail  
12 in the analysis, but the high points are that biological  
13 concerns with increasing the harvest of brown bear,  
14 reproductive capacity of the brown bear are less than  
15 black bear, and their population densities are much lower  
16 in much of the State. In some areas brown bear don't  
17 reproduce until they're at least five years old, and they  
18 have a longer reproductive interval and smaller litter  
19 size. So therefore increases in harvest of brown bear  
20 could have negative effects in some areas of the State.

21  
22                   The other key point here is that there's  
23 a mixture of authorizations and prohibitions for selling  
24 bear parts in other states and provinces. And any  
25 products of brown bear or black bear that are shipped out  
26 of the United States must have an accompanying Federal  
27 CITIS export permit, so anybody taking these products out  
28 of Alaska and into Canada would require a CITIS export  
29 permit.

30  
31                   The Federal enforcement framework for  
32 dealing with the export of handicrafts made from brown  
33 bear fur is not currently in place. However, I know the  
34 State's currently looking into this as a result of the  
35 regulation that they passed that goes into affect in  
36 July.

37  
38                   So approving the sale of handicraft made  
39 from the fur of brown bear would align State and Federal  
40 regulations. But on the other hand, rejecting the  
41 proposal would not deny the requested opportunity,  
42 because it will now be authorized under State  
43 regulations, and it has already been allowed for  
44 subsistence harvest on Park Service lands. It would,  
45 however, expand the opportunity for Federal subsistence  
46 users in a few small situations. For example, in Unit 5,  
47 the Federal harvest limit is five -- excuse me, it's one  
48 bear every year, and the State harvest limit is one bear  
49 every four years. So those other three bears if they're  
50 harvested under Federal regulations, would be available

1 for use of handicraft under the Federal regulation. They  
2 wouldn't be under the State regulation, or the new State  
3 regulation.

4

5                   So the key points in this proposal then  
6 are that law enforcement framework along with Federal  
7 permit system is currently not in place. Some rural  
8 residents would find this practice culturally  
9 objectionable. That's also discussed in the analysis.  
10 Recent action by the Alaska Board of Game provides  
11 opportunity as proposed or as requested in this proposal.  
12 And the National Park Service regulations do currently  
13 provide that opportunity.

14

15                   I do need to explain a little bit about  
16 regulatory consistency between Federal and State  
17 regulations on the black bear fur issue. Two years ago  
18 when the Board approved the sale of black bear fur used  
19 in handicraft, we changed the Federal regulation to  
20 mirror the State regulation as intended by the Board.  
21 But we failed to recognize that the State and Federal  
22 definitions were not the same. The Federal definition of  
23 fur includes claws attached. The State definition does  
24 not. The State actually doesn't have a definition for  
25 fur. So therefore under the Federal regulations as  
26 written, the sale of fur for handicraft includes claws.  
27 The State regulation did not include claws. Now, we've  
28 recently gone back through the transcripts of the May  
29 2002 Board meeting, and confirmed our understanding of  
30 the intent of the Board, and that was to mirror the State  
31 regulations. And we intend to correct that error by --  
32 in the next publication of the Federal Register, the  
33 Federal regulations, by providing a Federal definition of  
34 fur that does not include claws attached. The result  
35 will be that the sale of black bear fur used in  
36 handicraft does not include claws in both Federal and  
37 State regulations.

38

39                   Mr. Chairman.

40

41                   CHAIRMAN DEMIENTIEFF: Thank you very  
42 much. Written public comments.

43

44                   MR. RIVARD: Yes, Mr. Chair. Don Rivard  
45 with Office of Subsistence Management. The comments are  
46 on Pages 20 and 21 in your Board Book. There are four to  
47 support, in support of this proposal, which include the  
48 Upper Tanana/Forty-Mile Local Fish and Game Advisory  
49 Committee, the Wrangell-St. Elias National Park  
50 Subsistence Resource Commission, the Denali National Park

1 Subsistence Resource Commission, the Lake Clark  
2 Subsistence Resource Commission supported this with  
3 modification to have it designated as brown or grizzly  
4 bear. There were also two people that were opposed, or  
5 two organizations that were opposed to this proposal.  
6 The Alaska Professional Hunters Association, and the  
7 Copper River Native/Ahtna, Incorporated, Joint Committee.

8

9 Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Thank you very  
12 much. We have John Morrison, is that the one? Yeah.  
13 For public testimony.

14

15 MR. MORRISON: Thank you, Mr. Chairman.  
16 Thank you for this opportunity to comment on this issue.  
17 My name is John Morrison. I'm a resident of Anchorage.  
18 I'm a retired wildlife biologist of over 40 years  
19 experience, and quite a lot of that time was dealing with  
20 management issues.

21

22 I'm personally opposed to this  
23 opportunity. I realized that the State Board of Game's  
24 action has opened up the discussion here, the proposal  
25 here, to allow the use of brown bear in this handicraft  
26 thing, but I and some of my acquaintances intend to  
27 petition the State Board to rescind its approval of using  
28 brown bear fur, and I'm also asking this organization to  
29 do the same.

30

31 I'm particularly concerned about the  
32 possibility for illegal take of bears for profit. We've  
33 had a lot of problems in the past with the sale of gall  
34 bladders, bears killed for no other reason than to take  
35 the gall bladders and sell them. We've had problems in  
36 the past with the sale of polar bear hides in an  
37 international market. And I dislike the possibility of  
38 this use of brown bear being another serious problem for  
39 management. The State and the Federal Board has  
40 recognized the brown bear management areas that have been  
41 established not only for the protection of brown bears --  
42 well, not protection, but at least the useful management  
43 of them, both for the sake of the bears as well as for  
44 the equitable allocation of them by whatever use, and I  
45 feel like this might be a jeopardizing effect on those  
46 bear management areas.

47

48 The argument might be made, well, if it's  
49 legal to take these other furbearers for sale, such as  
50 beaver or whatever, then why not bears. But I think it

1 was pointed out that the difference in the population  
2 sizes of these animals, the comparative reproductive  
3 rates are such that the brown bears and Interior grizzly  
4 bears as well might not be able to withstand any increase  
5 harvest of them for this purpose. And it could be argued  
6 also that, well, once somebody has taken a bear legally,  
7 why shouldn't it be legal for them to sell what is their  
8 legal property? But again the purpose in allowing the  
9 harvest of these bears is mostly for personal use,  
10 personal benefit, not for something to be sold.

11  
12 I know that Section 803 of ANILCA  
13 provides the opportunity for subsistence use of these  
14 animals for handicraft and personal barter, but not -- it  
15 does specify not for commercial sale. And I feel very  
16 strongly that both the State and the Federal authorities  
17 should not extend the possibility for selling parts of  
18 these animals.

19  
20 Thank you for the opportunity.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you very  
23 much. That's the only request we had for public comment  
24 at this time. In order to accommodate Ralph's schedule,  
25 we have Regional comments at this time, and we're going  
26 to just take them out of sequence here to accommodate  
27 Ralph so that he can get his Council's recommendation in.  
28 Ralph.

29  
30 MR. LOHSE: Mr. Chair, did you call on me  
31 for the Regional Council comments? Sorry. I was  
32 thinking that it wasn't quite that drastic that I had to  
33 get done that fast, but Southcentral Regional Council  
34 voted to oppose this proposal. If you look, you'll see  
35 we voted to oppose it with a tie vote. The tie votes  
36 represents the fact that this is a controversial issue.

37  
38 We felt as a Council that this would  
39 probably better be served if it was dealt with on a  
40 region-by-region basis, because just like Ahtna putting  
41 their letter in, some people do find this culturally  
42 objective. And we felt that each reason is going to have  
43 to deal with it on the basis of what that region feels  
44 like. So we voted to oppose it, and we did a lot of  
45 discussion on it. And that discussion just shows how  
46 controversial this issue is in the whole State.

47  
48 Thank you.

49  
50 CHAIRMAN DEMIENTIEFF: Okay. Thank you

1 very much. Southeast.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.  
4 I'll take the opposite tack and we voted to support this  
5 proposal.

6

7 While there was some concern for  
8 commercializing brown bear parts taken for subsistence,  
9 the Council wanted to ensure that traditional regalia  
10 could be repaired, remade or created from bear parts.  
11 The Council heard from former Council member Herman  
12 Kitka, Sr. Mr. Kitka described the construction and use  
13 of brown bear regalia, including the use of brown bear  
14 ears and claws. Ears have been used in traditional  
15 dancing headgear, and the claws are used for dancing  
16 necklaces. Old items are in need of repair, and there's  
17 a limited need for fabrication of new dance related  
18 regalia. Mr. Kitka noted that artists who make such  
19 items are traditionally paid for their work.

20

21 Mr. Adams referred to the Federal  
22 definition, skin, hide, pelt or fur means the skin, hide,  
23 fur or pelt of a bear shall mean the entire external  
24 covering with the claws attached. That's the Federal  
25 definition. The Council's intention in its  
26 recommendation is to include claws as an item that may be  
27 sold as handicrafts. To do otherwise could be construed  
28 as being wasteful, to chop off the arms and the legs and  
29 claws could be construed to be wasteful.

30

31 Staff clarified that any brown bear parts  
32 used for regalia would have to come from a bear taken  
33 under subsistence regulations. these regulations require  
34 that brown bear meat be consumed, and if this regulation  
35 is passed, no brown bear could be taken solely for  
36 handicraft purposes.

37

38 The Council noted there were strong  
39 controls in the number of brown bears that could be taken  
40 for subsistence. Use of brown bear parts for handicrafts  
41 from bears that have been taken from subsistence allows  
42 you to fully utilize the kill, and everything in it is  
43 fair game. In Southeast, the regulations are that you  
44 may take one bear every four years. That's legal.

45

46 The Council found that there were no  
47 conservation concerns with this proposal. There's lots  
48 of bear in Southeast, more than I've ever seen in my  
49 life. People don't shoot them any more.

50

1 We found that this was a benefit to the  
2 subsistence users if this proposal was accepted, and that  
3 it would have negligible affect on the non-subsistence  
4 hunters. As a matter of fact, we even got our newest  
5 Council member, who's a bear hunter, to come on board on  
6 this.

7  
8 Harvest, biological and management data  
9 that were provided to us were adequate to support this  
10 recommendation. And those were the four criteria that  
11 our Council uses to decide whether to support a motion, a  
12 positive recommendation or not. We found that it met all  
13 of those, and we find that the proposal is consonant with  
14 sound wildlife management principles, and it received our  
15 support, Mr. Chair.

16  
17 CHAIRMAN DEMIENTIEFF: Thank you.  
18 Kodiak/Aleutians is not here, but they did have a  
19 recommendation. I'm going to have who? Don?

20  
21 MR. RIVARD: Thank you, Mr. Chair. Their  
22 recommendation is found on Page 18 in your book. The  
23 Kodiak/Aleutians Regional Advisory Council opposed this  
24 proposal. The Council felt that there's no evidence that  
25 it was a customary and traditional use of brown bear fur  
26 for sale as handicrafts in their region, and some elders  
27 have objected to public displays of brown bear hides.  
28 The Council was also concerned about commercialization of  
29 brown bears.

30  
31 Thank you.

32  
33 CHAIRMAN DEMIENTIEFF: Thank you. Yukon-  
34 Kuskokwim.

35  
36 MR. WILDE: Yukon-Kuskokwim Delta  
37 Advisory Council does not support Wildlife Proposal WP04-  
38 01, being a statewide regulation, and it would be prefer  
39 it would be addressed at regional or local level. They  
40 also felt that there were being increasing illegal bear  
41 harvest and the brown bear for the illegal sale of gall  
42 bladders.

43  
44 Thank you, Mr. Chairman.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you.  
47 Western.

48  
49 MR. SAM: Thank you, Mr. Chairman.  
50 Western opposes this. While we were discussion WP04-01,

1 it doesn't address black bears, but it does under 78, so  
2 I will address it.

3  
4 We on the Koyukon area consume a lot of  
5 bears, and that's how we have some -- I mean, sustain  
6 some of our moose populations, and from April to the day  
7 before I got here, there's been five black bears  
8 harvested this spring, all in good shape for consumption  
9 purposes. And if you could open it up to sell bear  
10 parts, you could have some prime opportunity, but the  
11 whole Koyukon culture just won't allow it. We've forever  
12 been against it. It's just against our traditional  
13 practices. And for that reason we will oppose 01 and 78,  
14 and I think that the only way that this -- I mean, to  
15 deal with brown bear and black bear parts would have to  
16 go by regions. That's the only way. And Western  
17 Interior will probably never go that route.

18  
19 Thank you.

20  
21 CHAIRMAN DEMIENTIEFF: Okay. They are  
22 two separate issues, but I just want to make sure that  
23 Ralph had the opportunity to get his Council's views, and  
24 that's why -- we will take up 78 also separately, as a  
25 separate issue. Seward Penn.

26  
27 MS. CROSS: Thank you, Mr. Chair. Well,  
28 despite all our complaints about abundance of bears,  
29 cultural took over on this one. Like I mentioned before  
30 we're really a diverse region. Once we started talking  
31 about it, there were people that objected to selling of  
32 brown bear parts, because there are some people that live  
33 among us in our region that has different cultural values  
34 regarding brown bear. The Regional Council thought the  
35 proposal would be more appropriately done regionally and  
36 not as a statewide issue. I think our regional be  
37 divisive about this for a long time. We found out from  
38 some of our cultures that it was not culturally  
39 acceptable in some parts of the people that we represent.

40  
41 And we also felt that this proposal may  
42 result in increased illegal harvest, and could provide  
43 economic incentives associated with bear hunting, thus  
44 changing the incentive of the bear hunters.

45  
46 And we also discussed very briefly after  
47 -- I'm not sure if it reflected in the records, but we  
48 did discuss very briefly that in order to maintain some  
49 of our cultural values within our region and have respect  
50 for one another's cultural values that it is advisable

1 that we not support this. We would support if it was  
2 done on a region wide basis and give each region a chance  
3 to decide on their own.

4

5 Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Thank you.  
8 Northwest, do you have their recommendation?

9

10 MR. RIVARD: Yes, Mr. Chair. The  
11 Northwest Arctic Regional Advisory Council opposed this  
12 proposal, and they felt that the proposal should not be a  
13 statewide proposal, because each region is different.  
14 However, the Council would like to put this regulation in  
15 place for the Northwest Arctic Region and will submit a  
16 similar proposal during the next wildlife proposal  
17 period.

18

19 Thank you, Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Thank you.  
22 Eastern.

23

24 MR. FLEENER: Thank you, Mr. Chair.  
25 After reading quite a bit of the testimony that's come  
26 out and listening, of course, to the testimony, there's I  
27 think seven reasons why people don't want to support this  
28 proposal. And one I've heard, that it's unenforceable,  
29 and we've heard that from enforcement for years. Two,  
30 that it's not culturally acceptable. Three, that it  
31 might lead to over exploitation. Four, that there's no  
32 evidence of previous use of brown bear for handicraft  
33 items. Five, the Staff Committee's opposed because of  
34 the cultural objections by the other Regional Advisory  
35 Committees. Some state that it's in violation of  
36 conservation principles. And that it doesn't comply with  
37 ANILCA. And so I wanted to talk about these individually  
38 I guess, and hopefully I can muster up enough stuff from  
39 my memory banks to address some of these issues.

40

41 One, I guess, for starters, in May I  
42 think it was 2002, the Federal Subsistence Board  
43 legalized the use of black bear fur for handicraft items.  
44 And so we have an example of a bear in Alaska where we  
45 can sell their parts as handicraft items. We have lots  
46 of other resources in Alaska that are used for -- that we  
47 harvest and sell their parts. Some of them with no other  
48 use except to sell them. We sell fish all over the  
49 State. We sell fur, and throw the carcasses away in many  
50 cases. We sell endangered marine mammal parts. We sell,

1 of course, black bear parts, and there's probably other  
2 ones that I've left off the list. And to those of us who  
3 have been talking about the full utilization of  
4 resources, at least in the Eastern Interior, we see this  
5 as allowing us to, as I just said, fully utilize a  
6 resource that we already harvest. If I shoot a bear,  
7 don't make me throw the parts away. Allow me to sell  
8 those parts so that I can do actually something that is  
9 allowed in ANILCA, and that is to -- ANILCA allows for  
10 the -- oh, what was it, I wrote it down somewhere. See  
11 if I can find it. Okay. Right here. Got it in my  
12 notes. ANILCA Section 801.1, Congress found that  
13 continued opportunity for subsistence uses which include  
14 the making and selling of handicraft items for barter and  
15 for customary trade is essential to the economic  
16 existence of rural residents.

17  
18 Now, this proposal was I think submitted  
19 on a statewide basis, because we've tried to submit bear  
20 proposals similar to this one in the past within specific  
21 Game Management Units, and we were advised not to do it  
22 that way, because it's unenforceable. We were advised to  
23 do it on a statewide level. We submitted them on a  
24 broader regional perspective, and we were once again  
25 told, you can't do it this way, you've got to do it on a  
26 statewide level, because it's unenforceable. And so now  
27 we're bringing it as a statewide proposal, or someone is  
28 bringing it as a statewide proposal, and we're being  
29 told, no, you should do it on a regional perspective or  
30 within your own game management unit. So there's a lot  
31 of cross messages here that I think need to be addressed.  
32 I think it needs to be done statewide; however, we did  
33 get five Regional Advisory Committees that just said that  
34 they would support the proposal if it was done on a  
35 regional basis.

36  
37 So if we ignore enforcement, which  
38 there's -- nowhere in ANILCA does it tell us to use  
39 enforcement as a reason to oppose any proposals. It  
40 talks about sound biological principles and it talks  
41 about a number of other things, but unless I've read it  
42 wrong, I don't see anything in there that says consider  
43 enforcement when you're considering proposals.

44  
45 So if we ignore enforcement for a minute,  
46 we have support of five Advisory Committees. Maybe  
47 that's a direction we could go. I haven't spoken with  
48 the person who wants to push this proposal, of course,  
49 but maybe that's an option we can look at.

50

1 I also wanted to say that there are many  
2 practices that have been adopted in regulations that many  
3 of us find culturally offensive. I personally find a  
4 number of regulations that we have on the books that are  
5 culturally offensive, and I know a lot of us do, yet the  
6 Staff have supported these countless times in the past.  
7 For example, we're offended at the idea that we have to  
8 leave evidence of sex attached, yet we've gone along with  
9 that, because enforcement told us that that's important  
10 for them to do their job. We find it culturally  
11 offensive to report our harvest, because we don't like to  
12 brag on what we harvest, and to us that's seen as  
13 bragging.

14  
15 Number 3, we don't like the idea of catch  
16 and release fishing. We think that that's playing with  
17 your food, yet there's another culturally sensitive issue  
18 that we've sort of gone along with. And in cases such as  
19 catch and release fishing, instead of opposing the other  
20 Regional Advisory Committees who have supported it, or  
21 the Federal Subsistence Board, we haven't opposed those.

22  
23 I find it particularly confusing and  
24 somewhat offensive when I read the Staff Committee  
25 recommendations here, and they state that one of the  
26 reasons that they want to oppose these is because of the  
27 cultural sensitivity as an issue. Nowhere in ANILCA or  
28 any of their -- or anything that I read are they supposed  
29 to use the cultural sensitivities of one Regional  
30 Advisory Committee against another in doing the analysis.  
31 I think it's up to the Regional Advisory Committees to  
32 let me know when something is culturally sensitive, and I  
33 have the utmost respect for what is deemed culturally  
34 sensitive to them, and want to work with other  
35 individuals to solve those issues. But I don't think  
36 it's the place of the Staff Committee to side with one  
37 Regional Advisory Committee over another on culturally  
38 sensitive issues. What ends up happening in the long run  
39 is you end up favoring one region's culture over another  
40 because of recognizing one group of sensitivities over  
41 another.

42  
43 Of course, the Eastern Interior supports  
44 this proposal. As it says here in the testimony, the  
45 Regional Council wants to be able to use brown bears  
46 taken for subsistence to their fullest extent. We don't  
47 like the idea that we have to waste something. We don't  
48 like the idea that a lot of our practices we have to do  
49 behind closed doors, because the State and Federal  
50 Governments have deemed them to be illegal. And we're

1 slowly overcoming a lot of those problems. We can  
2 finally legally shoot waterfowl in the springtime. You  
3 know, we were criminals for so many years because of  
4 that. A lot of other practices are the same way. And  
5 here's another one. We have a long history of using  
6 parts of brown bear for handicraft items. I didn't wear  
7 it, I don't know why not. This would have been a perfect  
8 time. But I have a necklace that I often wear to these  
9 meetings that has brown bear parts on it. And I'm sort  
10 of surprised that someone said that there is no evidence  
11 of use of brown bear for handicraft items, because I've  
12 seen it all over the state, wherever there are brown  
13 bear. People use parts of most animals in some cases for  
14 handicraft items.

15  
16 And so to continue with this, currently  
17 there isn't sufficient data available to show that these  
18 type of abuses which were pointed out earlier are  
19 occurring -- excuse me, I'm reading the wrong one. We  
20 don't feel that selling brown bear fur would be  
21 detrimental to brown bear populations, or that it would  
22 be a law enforcement problem especially in the Eastern  
23 Interior where we don't have much in the way of law  
24 enforcement anyway. We never see law enforcement in the  
25 Yukon Flats, for example.

26  
27 It's also pointed out here that hunting  
28 guides are allowed to make thousands of dollars for  
29 taking someone out to shoot a brown bear, and that we  
30 would like to use subsistence taken bears full -- you  
31 know, we would like to get full utilization from these  
32 resources.

33  
34 So I think I've said enough. Thank you,  
35 Mr. Chair.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. North  
38 Slope is not here, but I understand you have their  
39 recommendation.

40  
41 MS. B. ARMSTRONG: Yes, sir, Mr. Chair.  
42 North Slope Regional Advisory Council opposed this  
43 proposal, and they favored dealing with this on a region-  
44 by-region basis, and they also will submit a similar  
45 proposal for the North Slope Region to be taken up at  
46 their winter meeting in 2005.

47  
48 Thank you, sir.

49  
50 CHAIRMAN DEMIENTIEFF: Thank you. Okay.

1 At this time we are going to suspend final comments --  
2 oh, Dan left?

3

4 MR. EDENSHAW: Yes, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Oh, okay. Go  
7 ahead.

8

9 MR. EDENSHAW: Thank you, Mr. Chair, and  
10 Board members. The Bristol Bay Council at their meeting  
11 supported the proposal. The Council felt that by  
12 adopting the proposal, overharvest and illegal harvest or  
13 sale of brown bear parts would not occur. Currently  
14 there isn't sufficient data available to show that these  
15 types of abuses are occurring. In certain areas of the  
16 Bristol Bay Region bear seasons have been liberalized,  
17 and there have been no reported abuses. The Office of  
18 Subsistence Management Staff biologist stated it may take  
19 five years to see any potential abuses. If there are  
20 abuses occurring, then the Council could submit a  
21 proposal to change the regulation if needed.

22

23 The Council also felt if the proposal was  
24 adopted, it would provide additional opportunities for  
25 those individuals who make handicraft items to generate  
26 income.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Thank you. Okay.  
31 With that we're going to -- before we get to the Staff  
32 Committee report, we're going to shift gears here. We  
33 have noticed public testimony on composition at 1:30 and  
34 it's about 1:40 now. So we're going to go ahead and  
35 suspend discussion on No. 1 until after we begin the  
36 public comment period.

37

38 We have one person.

39

40 MR. BOYD: I have a brief introduction.

41

42 CHAIRMAN DEMIENTIEFF: Go ahead. Tom has  
43 a brief introduction, and then we'll move on.

44

45 MR. BOYD: Mr. Chair, thank you. I think  
46 just to advise the Board very briefly on some of the past  
47 and how we got to this point and what we're doing today,  
48 I thought I would just introduce this topic. In 2002 the  
49 Federal Subsistence Board was instructed by the Secretary  
50 of the Interior to review its process for selecting

1 nominees for selection to membership on Regional Advisory  
2 Councils and to see that groups representing non-rural  
3 areas and commercial and sport users of fish and wildlife  
4 are represented on the Councils. Based on that review,  
5 the Board recommended and the Secretaries decided to  
6 increase the size of nine of the Federal Subsistence  
7 Regional Advisory Councils. They established a  
8 representation goal of 70 percent subsistence users and  
9 30 percent sport and commercial users, revised the  
10 application/selection process and forms, and approved a  
11 three-year phase in period for implementing these  
12 changes. Prior to these decisions, in 1998 the Safari  
13 Club International and others filed suit in the U.S.  
14 District Court of Alaska challenging, among other things  
15 the balance of membership on these Councils. The Native  
16 Village of Venetie Tribal Government, et al., were  
17 permitted to intervene in this case, and to challenge the  
18 70/30 ratio goals previously adopted by the Secretaries.

19  
20  
21 In January of this year, the District  
22 Court entered an order in this case, and as it relates to  
23 this issue, the Court noted, and I'll quote just  
24 selectively, that a Council compromised (sic) of only  
25 subsistence users is not fairly balanced, and secondly a  
26 cross section of those affected by fish and wildlife  
27 management on Federal public lands must be in a  
28 reasonable and fair manner afforded representation on  
29 Regional Advisory Councils. So I guess one could say  
30 that there was at least from the court's perspective  
31 agreement in principle on what the Board had done.

32  
33 However, in the ruling, the Court  
34 enjoined -- in ruling on the cross claim filed by the  
35 Native Village of Venetie, et al., the court enjoined the  
36 Secretaries' policy of a goal of a 70/30 membership  
37 ratio, because it failed to procedurally comply with the  
38 Administrative Procedure Act and found that the policy  
39 should have been put forward to the public for comment in  
40 a rule making process. So the Court ordered that the  
41 Secretaries implement this process immediately. Or I  
42 should say the Secretaries to promptly initiate this  
43 process.

44  
45 As a result of this order, the process  
46 commenced with the publication of a proposed rule, which  
47 we've passed out to everyone. The rule was published on  
48 April 15th, and the comment period closes on June 1.  
49 Opportunity for public testimony is to happen during this  
50 meeting today, and after receiving and reviewing all of

1 the written comments and the testimony provided today,  
2 the Board is to forward a recommendation to the  
3 Secretaries.

4  
5 CHAIRMAN DEMIENTIEFF: Thank you. Anna  
6 Seidman.

7  
8 MS. SEIDMAN: Good afternoon. My name is  
9 Anna Seidman, and I'm here to represent Safari Club  
10 International and its Alaska chapters. Thank you for  
11 allowing me to speak today.

12  
13 I would like to start by complimenting  
14 the Board and its Staff on a number of recent changes in  
15 Board and Council procedures, including adopting formal  
16 Board operating procedures, recognizing the liaison role  
17 of the State of Alaska, and institutionalizing an ethical  
18 conflict of interest disclosure for Council members.

19  
20 However, today I'm here to comment on the  
21 court ordered rule to balance the membership of the  
22 Regional Advisory Councils. At the outset I can state  
23 that my clients believe that the proposed rule as written  
24 provides a good foundation for the effort to comply with  
25 the Federal Advisory Committee Act. However, we also  
26 believe that the proposed rule requires further  
27 clarification and amplification for full FACA compliance.

28  
29  
30 We agree with the language of the  
31 proposed rule in that it properly reflects that the law  
32 does not establish a mandatory majority interest for  
33 subsistence users. By striving for as opposed to  
34 requiring a 70/30 split in membership between subsistence  
35 and non-subsistence users, the rule can accommodate  
36 variations in the distributions of hunters and fishermen  
37 in different regions. To better accommodate the  
38 potential fluctuations, we propose the following  
39 modification to the language of the rule.

40  
41 Quote, The Board will strive to ensure  
42 that no more than 70 percent of the members represent  
43 subsistence interest within a region, and no less than 30  
44 percent of the members represent commercial and sports  
45 interest within a region.

46  
47 This modification in language will help  
48 the Board to determine the correct number of non-  
49 subsistence interest representatives to include in the  
50 membership of Councils that have 13 or more members.

1 Since individual members cannot be divided into  
2 fractions, this modified language will give the Board the  
3 authority to avoid diluting the non-subsistence voice  
4 with a less than 30 percent representation.  
5

6                   Those who are appointed to fill those  
7 non-subsistence seats must do so in more than name only.  
8 Each member must be selected to give his or her interest  
9 group and/or community a voice in the discussions and  
10 recommendations that are made to the Federal Subsistence  
11 Board. As explained by Paul Smith, Deputy Associate  
12 Solicitor to the U.S. Department of Interior in his June  
13 17th, 2002 letter to Chairman Demientieff, quote, all  
14 contending consumptive users should have a voting voice  
15 as well as the opportunity to craft a minority report,  
16 unquote. In order to serve a particular interest group,  
17 each Council member must take seriously his or her role  
18 in protecting the interest that he or she has been chosen  
19 to represent. An individual who primarily considers  
20 himself a subsistence user cannot represent the  
21 commercial fishing community simply because he or she  
22 holds a commercial fishing license. Similarly, a  
23 recreational hunter cannot represent the subsistence  
24 community simply because he or she eats the meat from the  
25 animal that he or she has hunted.  
26

27                   Currently individuals are being appointed  
28 to fill the non-subsistence seats who are not qualified  
29 to represent those interests. Take for example the  
30 statement of Regional Advisory Council -- of a Regional  
31 Advisory Council member of the Southeast RAC during the  
32 meeting of March 17th, 2004 who said, quote, I originally  
33 moved to Alaska to pursue the subsistence lifestyle that  
34 I grew up with in the Pacific Northwest. I ended up  
35 becoming a commercial family and raising my family here.  
36 And I am still real active in subsistence uses, but this  
37 seat is designed -- excuse me, is designated as a  
38 commercial seat. But I want to emphasize that my reason  
39 for participating and wanting to be on this Council is to  
40 protect the subsistence rights of all rural peoples,  
41 unquote.  
42

43                   The Council member quoted was appointed  
44 to represent and protect the legal interests of the  
45 commercial fishing community, but as stated, his primary  
46 purpose for serving on the Council was to protect the  
47 interests of an entirely different community. His  
48 appointment to the Council does nothing to provide the  
49 voice referred to by Deputy Associate Solicitor Smith or  
50 the cross section ordered by Federal District Court Judge

1 Holland.

2

3

4 In order to properly balance the  
5 Councils, the Board must recommend to the Secretaries  
6 individuals who are capable of and are willing to offer  
7 the voice of each of the subsistence, sport, and  
8 commercial hunting and fishing interests. To ascertain  
9 an individual's ability to speak for a particular  
10 interest group, the FSB Staff must look beyond the  
11 applicant's paperwork and references to determine whether  
12 that individual can truly speak for the interests he or  
13 she seeks to represent. The Staff should determine from  
14 State and Federal records whether the individual has  
15 complied with the applicable State and Federal law and  
16 has applied for and received all the necessary licenses  
17 and permits applicable to the uses of the interests he or  
18 she seeks to represent. For example, a recreational,  
19 commercial or subsistence hunter, fisherman or outfitter  
20 should have the appropriate State license and permits to  
21 hunt and/or guide. A subsistence hunter should also have  
22 the necessary Federal permits applicable to subsistence  
23 hunting priorities in his or her reason.

23

24

25 In addition, each applicant should be  
26 able to show that he or she is part of and is recognized  
27 by the community interest he or she aims to represent.  
28 The FSB Staff should not merely rely on the word of the  
29 references provided by the applicant, but should contact  
30 the appropriate community-based organizations and  
31 associations such as the relevant tribal organizations,  
32 the Alaska Outdoors Council, the Alaska Professional  
33 Hunters Association, Safari Club International chapters,  
34 et cetera, to learn whether the applicant is a member or  
35 whether the organization can verify that the applicant  
36 actively participates in the interest group he or she  
37 seeks to represent.

37

38

39 Representatives who fill 30 percent of  
40 the seats must represent a cross section of non-  
41 subsistence interests. As stated by Federal District  
42 Court Judge Holland, a fairly balanced advisory committee  
43 requires, quote, a cross section of those affected by  
44 fish and wildlife management on Federal public lands,  
45 unquote.

45

46

47 Nothing in the proposed rule as written  
48 ensures that cross section. For example, under the rule  
49 as written, the not less than 30 percent segment could be  
50 composed entirely of commercial fishermen. In such a  
51 case, sports hunters, outfitters, air taxi providers, et

1 cetera, would not be represented at all. To avoid such a  
2 scenario, the proposed rule should be modified to include  
3 the following language that tracks the recommendations of  
4 Solicitor Paul Smith.  
5

6                   Quote, the not less than 30 percent of  
7 the membership who represent the commercial and sport  
8 interests shall include at least one representative from  
9 the sport hunting community and one representative from  
10 the commercial fishing community in regions where those  
11 interests exist, unquote.  
12

13                   Once appointed, non-subsistence interest  
14 representatives must be able to use their voice. The  
15 membership balance of the Councils applies not only to  
16 interest, but also to function. Congress specified in  
17 the FACA that the membership of each committee also be  
18 fairly balanced in terms of the functions to be performed  
19 by committee members. Since one of the main functions of  
20 the Regional Advisory Council is to make recommendations  
21 on subsistence-related issues, the minority interests  
22 included in the Council's membership must also be an  
23 integral part of this process. As stated by Solicitor  
24 Smith in his previously mentioned June 17th, 2002  
25 letter, the minority interest on the Councils must be  
26 given the opportunity to craft a minority report on the  
27 recommendations submitted to the Federal Subsistence  
28 Board.  
29

30                   Non-subsistence interest voice should not  
31 be unfairly silenced. Although we applaud the Board for  
32 recognizing the need for RAC conflict of interest  
33 disclosures and recusals, we feel that the disclosure  
34 requirement is being applied too restrictively and is  
35 currently tainting the Board's court-ordered attempt to  
36 fairly balance the Councils. Currently, through  
37 modifications to their charters, the Councils consider  
38 only financial interest as a source of potential  
39 conflicts of interest. For subsistence priorities,  
40 financial interests are only one of many potential  
41 imbalances that may result from allowing those too  
42 interested in a particular matter to vote on that issue.  
43 The Board and the Councils need to broaden their  
44 definition of potential conflict to include benefits  
45 and/or detriments that are not specifically financial.  
46

47                   Other agencies have adopted similarly  
48 broad definitions for potential conflicts of interest for  
49 Council members. The National Aeronautics and Space  
50 Administration, for example, defines conflict of interest

1 to include institutional affiliations, professional  
2 biases, and familial relationships.

3  
4 For a Council member, a conflict could  
5 well arise if that member introduces, discusses and seeks  
6 to vote on a proposal to give a subsistence hunting  
7 priority to his or her own community, in which he or his  
8 family will be allowed to participate. No Council member  
9 should be permitted to discuss in his RAC membership  
10 capacity or vote on any proposal that would allow a  
11 hunting or fishing priority from which he or his close  
12 family members would benefit. Without this modification,  
13 current procedures will inevitably negate the votes of  
14 those representing the commercial and sport communities  
15 far more often than those representing the subsistence  
16 communities, even though individuals from the subsistence  
17 community could experience a significant and/or direct  
18 benefit from supporting and voting on significant  
19 proposals. As a consequence, this ethics procedure as  
20 currently applied unfairly disenfranchises the non-  
21 subsistence hunting and fishing representatives and  
22 consequently undermines the fair balance that the FSB is  
23 legally bound to achieve.

24  
25 In conclusion, SCI supports the principle  
26 of the 70/30 balance for membership of Regional Advisory  
27 Councils. However, in SCI's opinion, it is not enough  
28 for the FSB to simply go through the motions to establish  
29 a rule to fairly balance the membership of the Councils.  
30 The FSB must also adopt and modify procedures that will  
31 provide the necessary cross section of interest and will  
32 afford each interest the proper voice to which each is  
33 entitled.

34  
35 Thank you very much.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Any  
38 questions.

39  
40 MS. GOTTLIEB: Mr. Chair. Thank you, Ms.  
41 Seidman for making the trip here. I guess I'd just be --  
42 wondered if you would define what you think the role of  
43 the Regional Advisory Councils should be?

44  
45 MS. SEIDMAN: Well, I believe that the  
46 role of the Regional Advisory Councils is to make certain  
47 that subsistence priorities are afforded when it is  
48 legally appropriate. And therefore I think that the  
49 Regional Council members must do what is appropriate to  
50 determine when these subsistence priorities are

1 appropriate and when they should be afforded, and in  
2 cases where they should not be afforded, then the  
3 interests who have a say should be given that say.

4  
5 CHAIRMAN DEMIENTIEFF: Other questions.  
6 Thank you very much for taking the time and considerable  
7 expense to get up here.

8  
9 MS. SEIDMAN: Thank you very much for  
10 letting me have this opportunity. I have spent a lot of  
11 time working on Federal Subsistence Board issues, but  
12 it's my pleasure to have the first opportunity to  
13 actually attend a Board meeting.

14  
15 CHAIRMAN DEMIENTIEFF: Well, that's where  
16 all that information is coming from, behind the scenes.  
17 Wilson Justin.

18  
19 MR. JUSTIN: Thank you, Mr. Chairman.  
20 Members of the Board. I don't have a lot to provide on  
21 the issue, but I will start with the general statement of  
22 background.

23  
24 I have been involved in the subsistence  
25 debate since 1975 through employment with Ahtna, through  
26 a special working relationship with tribal Councils, and  
27 as an advocate on a personal basis even during the time  
28 that I was still active as a big game guide. So there is  
29 no real surprise for me in these ongoing debates in terms  
30 of intent of law.

31  
32 I would like to point out in the current  
33 issue before us on the composition of the Regional  
34 Councils that there's a couple things that need to be  
35 remembered in the deliberations. I support balanced  
36 Councils, and like the young lady before me said, the  
37 intent of the Regional Councils also in my estimation is  
38 that priority consumptive subsistence use is headlined  
39 and protected.

40  
41 The issue that I have, and it's not  
42 really an issue. I think it's just an overlooked item in  
43 terms of wheretribal Councils fit into the debate in  
44 terms of the subsistence breakdown. It's hard for me to  
45 come up with solid numbers, but I can tell you this,  
46 participating in subsistence activity is extremely  
47 costly. Over the years any number of tribal groups and  
48 Native advocates have basically gotten into the  
49 subsistence debate for a little while, and then have to  
50 go home. You simply run out of money, you run out of

1 time, you run out of resources, and you cannot sustain an  
2 ongoing participatory activity within a subsistence  
3 debate consistent with protection of subsistence, and  
4 that's the bottom line in my estimation. By rote, tribal  
5 Councils statewide have stepped into the subsistence  
6 debate over the 15 years on behalf of constituents. The  
7 subsistence constituents themselves were not able to  
8 carry the cost.

9  
10 In the proposed rule here, I note that on  
11 the Federal Register dated April 15, Thursday, this would  
12 be the second page, there's a statement here that says in  
13 accordance with the President's memorandum of April 29,  
14 1994, government-to-government relations with Native  
15 American tribal governments, Executive Order 13175 and  
16 512DM2, we have evaluated possible effects on Federally  
17 recognized Indian tribes, and have determined that there  
18 are no effects. And I take issue with that statement,  
19 because I think there is a lot of potential effects on  
20 tribal governments in the subsistence arena by the  
21 proposed action for a number reasons. I'll outline a  
22 couple of one.

23  
24 Number 1, participating in the dialogues  
25 in terms of determining who is going to be appointed is  
26 very costly. It's time consuming and it's costly to the  
27 people who are part of it. It means review, it means  
28 discussions, it means questionnaires, it means you have  
29 to know who these people are being appointed to the  
30 Councils are.

31  
32 And, number 2, there's in my mind a  
33 particularly elusive danger of having the divisiveness of  
34 subsistence activity begin to crop up in your background,  
35 in your home country. Over the years subsistence  
36 advocates have managed to maintain a very broad support  
37 of all subsistence activities in the State. We generally  
38 support each other no matter where we're from and who we  
39 are among the Native groups. By beginning to break  
40 Regional Councils and Advisory Councils into faces and  
41 names, people and places, we begin to select advocates  
42 who say things we like more than other advocates. And  
43 after almost a generation of battling in this particular  
44 arena, I don't see how we're going to be able to get away  
45 from more personal animosity in terms of who gets  
46 selected from a region over someone else. We're not  
47 talking about qualifications. We're talking about a  
48 popularity contest and who has the most pull with the  
49 local franchise owners, which is usually agencies or Fish  
50 and Game.

1                   Therefore, you can record me as saying  
2 that I can't support, even though I understand the  
3 underlying issue as being court ordered, I don't see how  
4 a tribal Council can effectively support a 70/30 split,  
5 because it really illustrates the weakness of the process  
6 when that occurs. A tribal Council already is a minority  
7 within a minority. They already are suffering economic  
8 distress from having to deal with the issues on a  
9 political arena statewide and nationally. And then  
10 you're asking them to also participate in extended  
11 dialogues about who is going to be on these Regional  
12 Councils.

13  
14                   So having said that, I thank the Regional  
15 Council and the Chair for the opportunity to bring up  
16 these concerns. I understand that overall I think I'm  
17 reflecting a lot of people's background thoughts, and I  
18 don't know if that's sufficient to change how the  
19 compositions are made, but those are my comments, and I  
20 thank you.

21  
22                   CHAIRMAN DEMIENTIEFF: Thank you very  
23 much. Any questions.

24  
25                   MR. EDWARDS: I guess one question I  
26 would have then, what would you propose that the  
27 composition would be? You seemed at the start of your  
28 presentation, you said that you concurred with having a  
29 diverse group, but you're expressing concerning. If this  
30 was a perfect world from your position, what would it  
31 look like?

32  
33                   MR. JUSTIN: Well, I think in part I'm  
34 going to answer the question in two steps. First of all,  
35 the issue of subsistence to me has never been properly  
36 settled at the Regional Council levels, because there are  
37 no agreed upon definition of what constitutes a  
38 subsistence user. All subsistence advocates like myself  
39 from the tribal level have always considered subsistence  
40 advocates to be in the minority on the Regional Councils.  
41 And if you'll bear with me for a second, I say that in  
42 our estimation, we've had to accommodate many other  
43 users, including sports users and advocates already on  
44 the Regional Councils.

45  
46                   In the outlook that I share along with  
47 other tribal officials is that we've already had to give  
48 up seats on the Regional Councils to other users, and  
49 that part I think was probably overlooked by the courts,  
50 because very few subsistence advocates wanted to be on

1 Regional Councils, because when you go on a Regional  
2 Council, you lose the umbrella of being an advocate. One  
3 of the reasons why I have consistently refused to be on a  
4 Council is because if I'm on the Regional Council, I  
5 can't get out here in front and advocate on behalf of the  
6 constituency I represent. And this is why we already  
7 feel that we've given up quite a bit of multi-use  
8 designations on the Regional Councils.

9  
10 CHAIRMAN DEMIENTIEFF: Any other  
11 questions. Thank you very much, Wilson, for taking the  
12 time to be with us. Appreciate it.

13  
14 MR. JUSTIN: Thank you much.

15  
16 CHAIRMAN DEMIENTIEFF: Gloria Stickwan.

17  
18 MS. STICKWAN: My name is Gloria  
19 Stickwan. I serve on the Southcentral Regional Advisory  
20 Council.

21  
22 I know that Secretary Norton told -- has  
23 told us at a meeting to go forward, that the process must  
24 go forward. There's a FACA requirement that has to be  
25 met. I know and understand that there isn't a choice, we  
26 have to go forward. I just want to speak to the  
27 composition.

28  
29 I think that you need to really look at  
30 the 70/30, because the first meeting that we had that I  
31 went to, the votes were like very, very close on  
32 subsistence proposal. When we talked about the Heritage  
33 proposal to do a camp, an education camp, that passed,  
34 but it was with difficulty. I had to -- I was questioned  
35 a lot. In the past, three years ago when Mentasta  
36 brought the same proposal, no difference, it passed.  
37 There was no discussion. But at this last meeting, I had  
38 to sit there and answer question after question. It took  
39 us two and a half hours before they finally said yes and  
40 it was passed.

41  
42 In the future these proposals are going  
43 to be difficult to pass, because of the composition.  
44 That needs to be looked at. There must be more  
45 subsistence users on those RAC committees. You need -- I  
46 would like to see a letter or something to Secretary  
47 Norton on the composition to maybe be 80/20 percent, or  
48 work on the percent so it's more favorable to the  
49 subsistence users. Because it was one person missed,  
50 didn't make it to the meeting, and I believe she was

1 signed up as a subsistence user. If the she was there,  
2 the vote would have been a lot easier to pass some of the  
3 proposals. But since she wasn't, it was like the bear,  
4 handicraft bear, it was six to six. It was a tie vote,  
5 and it was because of that it was supported. I mean, tie  
6 vote forced it to, and that's the only reason that got  
7 passed. So it's getting difficult to pass these  
8 proposals on subsistence. If any one of us subsistence  
9 users on the Council don't make it to the meeting, if two  
10 of us are gone, you're going to see proposals that are  
11 going to be reversed to subsistence priority. You are  
12 going to see proposals that are going to support -- that  
13 won't be supporting subsistence. That's my own personal  
14 opinion when I say that, and that's my current concern  
15 is.....

16  
17 I'm not saying that you don't need to  
18 have different people on there, sportsman users. You  
19 have to because of FACA. It's FACA requirement, but  
20 please look at that composition. Write a letter to  
21 Norton saying that there just be more subsistence users  
22 on there, otherwise the whole ANILCA, what it's purpose  
23 and what it was written for with the 70/30 percent right  
24 now, it's going to be an Act that's a failure, because  
25 you're going to get proposals that are going to be passed  
26 that may not support subsistence priority because of the  
27 composition.

28  
29 Thank you.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you very  
32 much. Any questions. Thank you. Appreciate you taking  
33 the time.

34  
35 Council Chair discussions. Anybody want  
36 to contribute to this. John.

37  
38 MR. LITTLEFIELD: Yes, sir, Mr. Chair.  
39 First I'd like to give a little background on -- we have  
40 a noticed meeting that's been published in the Federal  
41 Register, and the Southeast Alaska Regional Council is  
42 going to have a teleconference meeting on June 1st, and  
43 it's open to the public, assuming we are going to get a  
44 quorum, and we're going to conduct business with the main  
45 reason is to provide a written comment to the Federal  
46 Subsistence Board officially, because the 70/30 proposed  
47 rule came out after the Regional Councils met, and we  
48 didn't have opportunity to debate this at our meeting.

49  
50 However, our Council has been

1 consistently active in this issue, and we've prepared in  
2 the interest of trying to have a meeting that goes  
3 smoothly on July (sic) 1st, we've prepared some draft  
4 comments that each Council member in the Southeast Region  
5 has a copy of, and those are the talking points, and I  
6 guess I would go to those, Mr. Chair.

7  
8                   Thank you, Mr. Chair, for the opportunity  
9 to review on the proposed rule concerning the membership  
10 qualifications for the Federal Subsistence Regional  
11 Councils established under subsistence managed  
12 regulations and to provide the recommendation of the  
13 Southeast Regional Advisory Council.

14  
15                   The Council will meet on June 1st, 2004,  
16 as I mentioned, and we will formalize these proposals,  
17 and they may change slightly from these, but these are  
18 past comments and stands that the Regional Advisory  
19 Council has put in writing and by letters to the Chair,  
20 Mr. Demientieff, and others in our transcripts. So these  
21 are nothing new.

22  
23                   The Southeast Regional Advisory Council  
24 has closely followed the issue of Council composition.  
25 The Council expressed its views on the proposed change in  
26 a Council composition letter from Chairman William Thomas  
27 to the Secretary on October 21st, 2002. And I'm sure the  
28 Federal Board is aware of that letter, and I have a copy  
29 of it if you're not. The concerns that we expressed in  
30 that letter continue to reflect the Council views  
31 concerning Council compositions.

32  
33                   We also note that the Federal District  
34 Court agreed with two of our procedural concerns and has  
35 required this formal rule making to be undertaken.

36  
37                   The proposed rule would establish the  
38 goal of making appointees to the Regional Council so as  
39 to achieve where possible a representation goal of 70  
40 percent subsistence users and 30 percent sport/commercial  
41 users. This goal would be achieved through designated or  
42 declared seats on the Regional Councils. The change  
43 would also require the Board to identify to the  
44 Secretaries the interest or interests that the applicants  
45 would represent.

46  
47                   We continue to have both substantive and  
48 procedural concerns with these provisions of the proposed  
49 rule, and we're going to recommend an alterNative method  
50 of ensuring that the Federal Advisory Committee Act

1 direction, quote, that an advisory committee must be  
2 fairly balanced in terms of point of views represented  
3 and the functions to be performed are met.

4

5                   First our substantive concerns. We  
6 completely agree with the FACA direction that committees  
7 be fairly balanced in the terms of points of view  
8 represented. We believe, however, that, number 1, the  
9 existing Council compositions have been in line with this  
10 direction, and that's consistently been our stand. Two,  
11 the proposed rule will not achieve its intended result.  
12 And, three, that the points of view other than  
13 subsistence and sport/commercial may need to be  
14 represented.

15

16                   Number 1. We examined the composition of  
17 the Southeast Regional Advisory Council at the end of  
18 2002 when the 70/30 rule was first under development. At  
19 that time we found that 10 of the 12 current members of  
20 the Council have been commercial fishers, six of these  
21 rely on commercial fishing for a major portion of their  
22 livelihood. Four of the 12 members are urban residents  
23 not eligible for subsistence. Four members run or work  
24 in the sport fish charter business, and five members  
25 depend on tourism for a substantial amount of their  
26 yearly income. In our view, this Council composition has  
27 been, quote, fairly balanced in terms of points of view  
28 represented and the functions to be performed. The  
29 present 2004 Council roster, if you look at the members  
30 that we currently have, has this similar range of  
31 interest.

32

33                   And, secondly, the proposed rules  
34 requires that designated seats on the Regional Councils  
35 be given to sport/commercial interests. This is wholly  
36 artificial and unworkable in the Alaskan context, because  
37 almost everyone who is actively engaged with fish and  
38 wildlife resources occupies several roles. There are few  
39 persons who are 100 percent exclusively subsistence  
40 harvesters, 100 percent sport harvesters or 100 percent  
41 commercial harvesters. Typically subsistence harvesting  
42 depends on cash income earned from commercial fishing,  
43 chartering, guiding, or trapping. Both commercial  
44 fishermen and hunting guides rely on fish and wildlife  
45 they harvest to feed their families. And sport fishermen  
46 and charter operators also practice subsistence. Most  
47 rural residents are subsistence users under Federal law  
48 and regulation. Under Alaska law, Alaska residents are  
49 subsistence users, all of them, under the State of Alaska  
50 statutes.

1                   Since almost all possible Council members  
2 have strong involvement in subsistence, sport and  
3 commercial uses of fish and wildlife, we consider the  
4 proposed rule to be arbitrary. We do not believe, for  
5 example, that a high liner commercial fisherman who has  
6 declared himself to be a subsistence -- represent  
7 subsistence users ceases to also represent commercial  
8 fishermen. Similarly, a Council member who is an active  
9 participant in subsistence hunting and fishing does not  
10 cease to represent that interest simply because he or she  
11 declares himself to be a commercial fishermen.

12  
13                   We point out that FACA required balance  
14 in the points of view represented. It does not require  
15 that a potential committee member make an arbitrary  
16 declaration of intent to represent that single interest.

17  
18                   Third, and finally, we believe that,  
19 quote, a cross section of those affected by fish and  
20 wildlife management on public lands, unquote, requires  
21 the inclusion of other interests. Conservation, Native  
22 heritage, recreation interests, for example, may have  
23 points of view that need to be represented on the  
24 Councils. Since these interests are, quote, directly  
25 affected by management of fish and wildlife for  
26 subsistence users. Not just sport and commercial.

27  
28                   We go now to our procedural concerns. In  
29 an earlier letter, the Council said that proposed changes  
30 in Council composition needed to be put before the  
31 existing Regional Councils for their review. This is per  
32 Section 805 of ANILCA. And that's why we're having our  
33 June 1st meeting, because we did not have a chance to  
34 comment on this, and we need to. The Southeast Regional  
35 Advisory Council will be making its formal recommendation  
36 to the Federal Subsistence Board through the written  
37 comments that come out of that meeting. We'll have them  
38 that day. And this recommendation is due the deference  
39 accorded under Section 805, and it should have been  
40 accorded to all Regional Councils, should have had that  
41 same opportunity. And we were stuck with the 30-day  
42 notice of trying to get in a noticed meeting that could  
43 occur on June 1st, and it was just barely made it under  
44 the gun.

45  
46                   Okay. We have concerns that the dates of  
47 the comment period for the proposed rule will not allow  
48 the other Councils to provide their comments and  
49 recommendations. Except for the Southeast Regional  
50 Council, no other Council has a noticed meeting scheduled

1 during this very limited time period. We were just lucky  
2 enough and astute enough to be told to do that.

3  
4 Second, our second procedural concern has  
5 to do with tribal consultation, as had been mentioned  
6 earlier by one of the previous speakers. We believe the  
7 proposed change may potentially affect the interest of  
8 tribal members. And I think that's very, very clear. As  
9 such, the proposed changes are subject to consultation  
10 with recognized tribes. And as a previous speaker  
11 mentions, Executive Order 13175 requires that Federal  
12 agencies develop an accountable process for ensuring  
13 meaningful and timely input by tribal officials in a  
14 development of legislation and regulatory policies that  
15 have tribal implications.

16  
17 Further, in carrying this out, the  
18 meaningful consultation with tribes utilizes the  
19 following principles. Number 1, you will comply with  
20 laws and regulations in a manner consistent with the  
21 special and unique legal and political relationship with  
22 tribes. Government-to-government consultation generally  
23 involves more than the rights of a tribal official as  
24 members of the general public to comment on proposed  
25 policies or actions under other Federal laws of general  
26 applicability.

27  
28 Secondly, collaboratively involve the  
29 tribes as early as possible in the development of  
30 regulatory and management policies, resource, land  
31 management plans, study plans and actions that may have  
32 tribal implications. Work with the tribes to determine  
33 whether a proposed policy or action has implications for  
34 their rights or interests that may warrant consultation,  
35 and where consultation is necessary, work with the tribes  
36 to establish an effective consultation practice. I note  
37 that has not been done in this case.

38  
39 Our recommendation, this is the draft  
40 recommendation, we will refine this and put it in writing  
41 for you on June 1st, is we recommend that the Council  
42 nominee evaluation guidelines be changed to ensure that  
43 Council candidates' background, position, community  
44 involvement and experience be carefully evaluated through  
45 the panel review process. Panels charged with evaluating  
46 the nominees should objectively evaluate which interest  
47 would be represented by each candidate. Most nominees  
48 are likely to be found to represent a number of  
49 interests. The Board, relying on the panel  
50 recommendations, should recommend those nominees for

1 Secretarial appointment with the goal of maintaining the  
2 balance on the Councils.

3  
4 The Board recommendations and Secretarial  
5 appointments will include an evaluation that documents  
6 exactly how the FACA required balance on each Council  
7 will be maintained. This would better meet the intent of  
8 FACA than an arbitrary and unworkable composition based  
9 on a formula for unrealistic designated seats.

10  
11 The Council charters detail Council  
12 functions and responsibilities, because the functions to  
13 be performed by the Councils are closely focused on  
14 implementing subsistence provisions of ANILCA, knowledge  
15 and experience with subsistence harvesting and fish and  
16 wildlife, and community leadership on subsistence issues  
17 continue to be the primary evaluation criteria for every  
18 nominee. The ability to represent other interests is  
19 ancillary to the ability to represent the subsistence  
20 users. This is complying with ANILCA.

21  
22 Finally, we recommend development with  
23 Council and Staff involvement of guidelines to ensure  
24 that the Council composition also maintain ethnic, gender  
25 and geographical balance. And balance of these interests  
26 are also, or may be required by FACA.

27  
28 ANILCA established the Regional Councils  
29 to be the cornerstone of management of subsistence fish  
30 and wildlife resources on the Federal lands in Alaska.  
31 This experiment in grassroots participatory management  
32 has been successful because it has been able to ensure,  
33 quote, the continuation of the opportunity for  
34 subsistence users by rural residents of Alaska, essential  
35 to Native physical, economic, traditional and cultural  
36 existence, and to non-Native physical, economic,  
37 traditional and social existence, unquote.

38  
39 As direct Federal management of  
40 subsistence resources on Federal lands moves into its  
41 15th year, we support the current examination of how  
42 balanced representation on the Councils may be  
43 maintained. The Southeast Regional Advisory Council will  
44 continue to work closely with the Board to implement  
45 ANILCA's protections for subsistence and to support the  
46 sound management of the fish and wildlife resources upon  
47 which subsistence users depend, and with respect to the  
48 dependence of non-subsistence users on our shared  
49 resources.

50

1                   Mr. Chair, those are our talking points.  
2 We've had them all before, and I expect to have that  
3 letter to you formally on June 1st before the end of  
4 close of business.

5  
6                   Mr. Chair.

7  
8                   CHAIRMAN DEMIENTIEFF: Thank you very  
9 much, John. Let me just say that I appreciate the work  
10 that your Council has done. I don't have any questions.  
11 I've actually read the letter two times since you gave it  
12 to me. Or the draft I should say. And listened to it  
13 once. But I think.....

14  
15                   MR. LITTLEFIELD: But I think you'll want  
16 to hear it again.

17  
18                   CHAIRMAN DEMIENTIEFF: Your points are  
19 well taken, and I just compliment the Council for doing  
20 their homework.

21  
22                   Is there any other Regional Council  
23 comment. Grace.

24  
25                   MS. CROSS: From the very -- I'm Grace,  
26 I'm the Chair of the Seward Peninsula Regional Advisory  
27 Council, and I thank you for hearing me.

28  
29                   Our concern from the very beginning has  
30 been very different from Southeast Alaska, and probably  
31 the majority of the other regions. Our concern has been  
32 the downgrading of our representation from our  
33 communities.

34  
35                   The 70/30 split we don't object to,  
36 meaning in terms of other users coming in, we didn't  
37 object. What concerned us more than anything else was  
38 that the representation in some of our communities  
39 disappeared. In adding on non-subsistence users, what  
40 weeded out was like in one of our -- in 22(E) we don't  
41 have anybody that is voicing the concerns of Shishmaref  
42 and Wales. We traditionally had somebody from there.  
43 There's another reason, too, there was no applicants from  
44 that region. However, we also ended up with more  
45 representation from other parts of our hunting areas, our  
46 subunits.

47  
48                   And in our region, what we traditionally  
49 -- we'd used traditional hunting grounds as a way of  
50 divvying up what little fish and game we have left over.

1 For example, we have Peter Buck who traditionally  
2 represents a couple of communities. We have Elmer Seetot  
3 who voices concerns of Brevig and Teller. I could go on,  
4 but you kind of get the picture I hope.

5  
6 So in getting the 70/30 split, our  
7 community representation has been downgraded. For this  
8 reason, we were really concerned from the very beginning  
9 and started writing before anything was implemented to  
10 have our RAC membership be put up to 13 members instead  
11 of 10. Thirteen we would feel comfortable with, 10 is  
12 what we had before, and we felt adequate with it in our  
13 community representatives. Three others, I think it  
14 would add color, you know, to our RAC in more than one  
15 way. We could see different viewpoints.

16  
17 Another area that concerned us is that in  
18 the area we don't have very many sports and -- we don't  
19 have very much sports fishing. We don't have where  
20 sports hunter is going down. And where there's literally  
21 no commercial fishing. There is no commercial fishing on  
22 Federal lands to begin. We now have a commercial person  
23 representing commercial fisheries. On what waters, we  
24 don't know, because we don't have any Federal waters  
25 where there's any commercial fishing, so we were -- we  
26 thought it was kind of -- well, I'm not going to say what  
27 we thought about it.

28  
29 But it just didn't make any sense to do  
30 something without further consultation at least with the  
31 RACs as to more input on how if the 70/30 split is going  
32 to go, there must be consultation from the regions, there  
33 must be, on how it's going to be done, because each  
34 region is different. Mine is very different from  
35 Southeast Alaska. We don't have any Federal waters for  
36 commercial fishing. We have very little fish and game.  
37 The majority of our big game hunters, our big game  
38 guides, are in Nome. We have very -- I think we've got a  
39 rookery in Nome, and you can't even see the rookery on  
40 the map, which belongs to the Federal Government. A  
41 majority of our other users reside in Nome.

42  
43 So in a sense what's going to happen if  
44 this continues on without consultation from our region,  
45 where our Federal lands and waters are, are going to be  
46 -- the representation of those communities are going to  
47 go down, and where we have the least Federal land is  
48 where those three people are going to come out of.

49  
50 So those are some of the concerns that --

1 our major concerns that we talk about in terms of how our  
2 RAC composition is going to change. The RAC has never  
3 been opposed to this. We felt it -- you know, there are  
4 reasons perhaps. I don't think it's going to impact us  
5 that much, however, it does impact us in terms of our  
6 community representation going down. And Mr. Boyd is  
7 well aware, we have written several letters to him asking  
8 that he support our request, and we have made I think two  
9 request, maybe three requests to have our RAC number be  
10 increased to 13. Otherwise, we're just -- you know, this  
11 is not going to work for us. As well as I can understand  
12 in other parts of Alaska why it wouldn't work for them  
13 for their own reasons.

14  
15 But anyway I'm not going to take up your  
16 time any more, but I thank you for listening to me.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you very  
19 much. I just note that the Council charters are coming  
20 up in -- the process will begin this fall before your RAC  
21 meeting and will be done in January.

22  
23 Also, the other thing that I will note is  
24 that in the letter that was submitted by Southeast, there  
25 was also concern presented about representation in there.  
26 So I think your views were -- actually mirrored each  
27 other, and I think it's really a concern of all of us.

28  
29 Ralph, you look like you're threatening  
30 to -- oh, did you have.....

31  
32 MS. CROSS: One more comment. We're way  
33 ahead of you. We already wrote a letter to Mr. Boyd and  
34 told him that we're going to change our charter to  
35 represent 13 and asked for his support.

36  
37 Thank you.

38  
39 CHAIRMAN DEMIENTIEFF: Right. I mean,  
40 I'm just letting you know -- I mean, you probably already  
41 looked into it, but that's when it will come up, and it  
42 will be done in January -- I mean, the decision was be  
43 done approximately January. Ralph.

44  
45 MR. LOHSE: The recommendation of the  
46 Board will go forward.

47  
48 CHAIRMAN DEMIENTIEFF: Yeah, the  
49 recommendation, actually recommendation to the Board will  
50 go forward to the Secretary in January somewhere. Early

1 next year.

2

3

4 MR. LOHSE: I'd just like to thank John  
5 and the Southeast Regional Council for putting in writing  
6 a lot of the things that we've discussed in the past in  
7 our Council as far as representation and things like that  
8 is concerned. I think they did a very good job and they  
9 brought up a lot of points, and I hope you take them very  
10 seriously.

11

12

13 It's really hard, you know, when I  
14 listened to the lady that was speaking, and I listen to  
15 John that was speaking, and the thing is that I have to  
16 remember is the idea behind this was, I won't say to  
17 represent subsistence interests, but to stand up for  
18 subsistence interests. And most of us wear a lot of  
19 hats. Most of us that are involved in the Council don't  
20 just do one thing, just like the people in Southeastern.  
21 And so consequently, you know, the idea is that you bring  
22 the information and the background from those different  
23 things that you do, and an understanding of how people  
24 and the needs of people in those things, but you bring  
25 them in with the idea that what you're here to look at is  
26 you're here to look at subsistence, and the idea that  
27 ANILCA is for the subsistence use of rural Alaskans,  
28 Native and non Native, and that that's the interest, not  
29 that you represent, but that you're there to serve. And  
30 you bring in the interests and the background that you  
31 have not as representatives of it, but as part of your  
32 background and character and part of the knowledge that  
33 you have that you could apply to the problem at hand.

34

35

36 And I see -- the biggest danger that I  
37 can see is when we get to the point where we start having  
38 to have each one voted in by an interest group, and then  
39 representing that group only and not looking at the issue  
40 at hand from the basis of subsistence.

41

42

43 And now I'll be honest, I look at it from  
44 the basis of subsistence, but I recognize the impact on  
45 commercial fishing. I recognize the impact on sport  
46 fishing. I recognize the impact on trapping, not just as  
47 a subsistence user, but as a person who gets his cash  
48 economy from those things. And I think that that's  
49 always been the strength, and that's what John's talking  
50 about from down there. That's always been the strength  
51 of the Councils that we've had is they've brought people  
52 together who have a wide background, and a wide knowledge  
53 of interests and abilities, to work on an individual  
54 problem. And I hope that we can manage to keep that kind

1 of attitude going in the future.

2

3

Thank you.

4

5

CHAIRMAN DEMIENTIEFF: Thank you. Craig.

6

7

MR. FLEENER: Thank you, Mr. Chair. I think Ralph and John did a fabulous job of saying a lot of what I wanted to say, but I can't stand to sit her and see a microphone in front of me and not use it, so I wanted to add a few comments.

12

13

The Safari Club has argued that we need to increase Board representation to include commercial, sport, urban residents, other non-subsistence users. I think this is just wrong. The entity that was created to manage use on Federal land is the Federal Subsistence Board, it's not the Federal Commercial Board, not the Federal Sport Board, not the Federal Urban Users Board. Non-subsistence users may and are, as has been pointed out, be affected by regulation changes that we propose. This is why they're all given equal opportunity to present their case at every Council meeting, at every Board meeting. They can submit proposals, and they can come up and be heard in every case. We've never denied that. We can't deny it.

27

28

Congress intended to provide rural residents that have a knowledge of local conditions and experience in their respective regions a priority. Section 810 of ANILCA accords subsistence users a priority when taking fish and wildlife on Federal land. The priority is not for commercial and sport uses.

34

35

If the Council composition is diluted with members who may be directly opposed with their commercial and sport interests, there may be a breakdown. This breakdown might be exacerbated by the usually more outgoing and often wealthy situations that they hold. As you very well know, there is no Subsistence Club International that's out there defending our viewpoints.

42

43

44

I also as many people have pointed out support diversity of views in the Councils. That diversity promotes strong, well thought out decisions. However, this diversity must come from within the subsistence community. ANILCA is for subsistence users. How can a purely commercial user truly represent subsistence uses of resources? How can they truly defend

1 Section 801.1, the continuation of opportunity for  
2 subsistence uses? How can they support Section 803 which  
3 defines subsistence uses as the customary and traditional  
4 uses by rural residents? How can they support Section  
5 804 which provides for subsistence take priority over all  
6 other purposes?

7  
8 Those who claim to be wholly commercial  
9 or sport users in Alaska are probably pretty rare. I  
10 personally -- within the Native community, non Native,  
11 urban and rural, every single commercial and sport user I  
12 know also tells me they're a subsistence user. As a  
13 matter of fact, they're even considered indigenous people  
14 by the new spring hunting waterfowl hunting regulations.

15  
16  
17 So the truly wholly pure commercial and  
18 sport users who do exist have ample opportunity to have a  
19 meaningful role in the process that we've got laid out  
20 right here.

21  
22 Thank you, Mr. Chair.

23  
24 CHAIRMAN DEMIENTIEFF: Thank you. Any  
25 questions? Well, let me just say this. I like the sound  
26 of my own voice, too, that's why I talk so much. I'm  
27 just joking. Anybody else. Ron.

28  
29 MR. SAM: Thank you, Mr. Chair. Just  
30 recently, maybe a couple of days before I came down here,  
31 we tried to get a teleconference together, but we have a  
32 microwave system between Alatna and Allakaket, so I was  
33 out about 98 percent of the time from that  
34 teleconference. It was just informal briefing for me or  
35 just some information for me to bering down to this  
36 discussion. But I missed most of it, and I can't make  
37 too much heads or tails of the minutes.

38  
39 Some of the key points that we wanted to  
40 have discussed or moved forward is the question of can we  
41 form a Council, or come up with a Council composition  
42 made of -- based on the entire composition of the region.  
43 Can we do that? That's one of the questions we want  
44 answered and moved forward. Because it seems like the  
45 few minutes that I was on there, that a few of our  
46 Council members would favor that position, too.

47  
48 As with everything else, you know, that  
49 when you create the split, you have a rift. I mean, it's  
50 there. And we don't -- we didn't have a quorum. We had

1 one commercial person on line, and he automatically voted  
2 or wanted the composition to be 70/30, whereas the rest  
3 of us wanted the composition to be 80/20. We're one of  
4 the few that has 10 Council members, and if we go and  
5 stay at 10, we'll have seven subsistence and three  
6 commercial.

7  
8 We do not have any road system. We do  
9 not have any major hubs. We're pretty much entirely  
10 subsistence, and I think all of our communities are  
11 decreed as such.

12  
13 And I totally agree with -- again, this  
14 is my perspective. I totally agree with what Craig  
15 Fleener said. We do not have Subsistence Unlimited out  
16 there to fight for our issues. It has to be the Regional  
17 Councils. And, again, I favor 80/20.

18  
19 If I go any further, one of the reasons  
20 that we didn't come up with any statement, because we  
21 were trying to figure out what to do. We have three or  
22 four current, maybe five now, current members that can  
23 declare commercial. They all have commercial fisheries  
24 license, and they could automatically declare commercial.

25  
26  
27 At our last meeting, we were the last  
28 ones to meet, down at Huslia. We have to sign in and  
29 declare what we were. That in itself created a rift I  
30 think. It just didn't sit well. And now that we  
31 declared, we're wondering now if we are locked into that  
32 position as subsistence or commercial, which we did  
33 declare. And I don't know whether that was just a  
34 practice run, or what, but I hope it was a practice run,  
35 because with three of our key Council members that I was  
36 talking about earlier, they hold commercial interest, but  
37 they are totally for -- they have been working totally or  
38 subsistence use, because that is what we were created as  
39 and decreed to provide for, subsistence activities and  
40 subsistence harvest. Again, just to echo Craig, we're  
41 the last ones to be cut or restricted in any kind of  
42 harvest, the subsistence people. And right now I'm sure  
43 some of our Counsel, the Western Interior Council members  
44 are squirming in their seats as to what they declared,  
45 and what they -- whether they want to stay on, because if  
46 we go to 70/30, we'll have to lose one more subsistence  
47 member, and I don't want to lose any more of those that  
48 we've lost already. We're down to pretty much what we  
49 need to have at this time, and this is the 80/20 split.  
50

1                   That's about all I can give you. A lot  
2 of it is my personal views and a lot of it comes from the  
3 teleconference that we had. Again, we had no quorum, and  
4 there was no motions. It was just an informal  
5 discussion, and I just want to state that for the record.

6

7                   Thank you.

8

9                   CHAIRMAN DEMIENTIEFF: Thank you, Ron.

10

11                   MR. O'HARA: Mr. Chair.

12

13                   CHAIRMAN DEMIENTIEFF: Yes.

14

15                   MR. O'HARA: I have a question I ask Mr.  
16 Boyd. Have you made all the appointments to the Councils  
17 already for -- on this 30/70?

18

19                   MR. BOYD: I think if the question -- Mr.  
20 Chair, if I may, if the question is statewide have we  
21 fulfilled all of the.....

22

23                   MR. O'HARA: In other words, you  
24 completed Bristol Bay's quorum already. Have you done  
25 that for all the rest of the Councils?

26

27                   MR. BOYD: I don't believe so.

28

29                   MR. O'HARA: Okay. So you're still  
30 working on it.

31

32                   MR. BOYD: I mean, I don't have the  
33 information in front of me, but my.....

34

35                   MR. O'HARA: Well, maybe you can get it.

36

37                   MR. BOYD: .....review of some of the  
38 more recent -- Ann is signalling to me, but I'm not  
39 exactly sure what's she's saying. Maybe -- well, let me  
40 just answer the question. The answer is, no, we have  
41 not.....

42

43                   MR. O'HARA: Okay.

44

45                   MR. BOYD: .....met the 70/30 for all  
46 Councils.

47

48                   MR. O'HARA: Thank you. Then I'll ask  
49 the next -- the question is of the legal mind over here,  
50 the department, and apparently Title VIII says that

1 there's other interests to be represented on the Council,  
2 and so I'm a subsistence user. I chair the Board, or the  
3 Council. And I'm a commercial fisherman. We have  
4 another -- we have seven members, and a point I want to  
5 ask the legal department is, if I'm a commercial  
6 fishermen, is it necessary then to have two commercial  
7 fishermen appointed to that board? Or there's four of  
8 the people that are on the board are commercial  
9 fishermen. Is it necessary to appoint one more on the  
10 board? And how does that balance work? There's a guide  
11 on our board, and so do we got to put another guide on  
12 the board? Where does this read into the law, Mr. Goltz?

13

14 MR. GOLTZ: Mr. Chairman, first of all it  
15 isn't Title VIII that we're talking about. It's FACA.  
16 And I think everybody should be aware that our choices  
17 are very limited here. We're operating a court order  
18 that requires us to establish through regulation a  
19 balance.

20

21 Prior to the entering of that court  
22 order, we did make some early attempts toward balance,  
23 and the blueprint for that was sort of a three-year phase  
24 in. We were one year into that three-year plan when we  
25 got an injunction, which in a way was kind of curious,  
26 because on the one hand it said that we had to comply  
27 with FACA, but on the other hand it said we couldn't  
28 carry out our blueprint, because it hadn't been through  
29 the public process. So that's where we are.

30

31 And we're in a state of tension over  
32 that, which is one reason we're trying to get this done  
33 as expeditiously as we can. So we've got two things  
34 pushing us. We've got the practical aspects and we've  
35 got a court order that says do it immediately.

36

37 As to how you parse this out for  
38 individuals, I don't have a good answer for you. I think  
39 that what FACA is pointing us toward is having some  
40 disparate views at the Council meeting. I have  
41 personally heard people say, well, I'm a guide, I'm a  
42 commercial fisherman, I'm other things, but when I walk  
43 into this room, by God, I'm a subsistence user, and  
44 that's what I talk about. And I think FACA is saying,  
45 no, we want to hear from the guide. We want to hear from  
46 the other people who are affected by what you do. And it  
47 is good that we hear from everybody, that we take their  
48 views into account, but it's probably not sufficient  
49 under FACA.

50

1 MR. O'HARA: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes.  
4  
5 MR. O'HARA: I don't know if that's a  
6 good answer of not. And I wouldn't necessarily agree  
7 with you on that, because you've got four guys on the  
8 Bristol Bay Council who are permit holders. These are  
9 Bristol Bay fishermen. And you don't need one more yada  
10 yada commercial fisherman to make anybody else happy.  
11 And the Federal Board just I think starts running, and  
12 one of these times you're going to hit the wall and stop.  
13 And I think we ought to -- probably enough said on that  
14 issue.  
15  
16 But I guess the main concern was the more  
17 people you put on a board, the harder it is to get a  
18 quorum. But I tell you what, the people you did put on  
19 our board are exceptional people. I have no problem with  
20 that whatsoever. They are good people, so thank you very  
21 much. Come full circle, probably didn't make any sense.  
22  
23 MR. GOLTZ: I have no doubt that we're  
24 going to get quorum.  
25  
26 CHAIRMAN DEMIENTIEFF: Anybody else.  
27  
28 MR. LITTLEFIELD: One question.  
29  
30 CHAIRMAN DEMIENTIEFF: Yes.  
31  
32 MR. LITTLEFIELD: This is a question for  
33 counsel. Mr. Goltz, could you please clarify for the  
34 record whether the court order mandated 70/30 or any  
35 particular split?  
36  
37 MR. GOLTZ: This is the only venue I know  
38 of where it's the attorney that's under cross  
39 examination. No, the court did not order 70/30. The  
40 70/30 came from a statutory provision, a temporary  
41 statutory provision constructed by Ted Stevens. My own  
42 reading of the order is that 70/30 would be compatible  
43 with what the judge said, but the judge did not directly  
44 say 70/30, no.  
45  
46 CHAIRMAN DEMIENTIEFF: Anybody else? We  
47 will I think take a short break, and then we'll go on  
48 with -- finish work on Proposal No. 1, and then we'll  
49 jump back into Western Interior.  
50

1 (Off record)

2

3

(On record)

4

5 CHAIRMAN DEMIENTIEFF: Okay. Find our  
6 seats again, it would be helpful to us getting started  
7 again. Okay. We're going to go ahead and call the  
8 meeting back to order. And as I'd indicated, we're going  
9 to go back and complete our work on Proposal 1 since  
10 we've already engaged quite a bit.

11

12 I think in checking with Dan O'Hara, his  
13 coordinator gave the Council's report. He did have a few  
14 other brief comment. But the only thing is Dan don't do  
15 anything brief, so don't expect -- he's too thorough in  
16 his work.

17

18 MR. FLEENER: He's got nine pages  
19 highlighted.

20

21 CHAIRMAN DEMIENTIEFF: Yeah.

22

23 MR. O'HARA: Are you ready, Mr. Chair?

24

25 CHAIRMAN DEMIENTIEFF: Yes, sir.

26

27 MR. O'HARA: Okay. I like what the  
28 Eastern Interior says about supporting this proposal,  
29 because they said that use the bear taken for subsistence  
30 to its fullest extent. And then Bristol Bay goes on to  
31 say, there isn't sufficient data available to show the  
32 types of abuses that are occurring. So I guess that kind  
33 of puts the Board into a little difficult situation,  
34 because the data's not there to -- if the data's not  
35 there, then you're going to be making a judgment call on  
36 your emotions, and 90 percent of the time when you make a  
37 decision on your emotions, you're wrong. So you know  
38 you're kind of on the horns of dilemma there somewhere.  
39 And if there is abuse, there's cops everywhere. I mean,  
40 they go to Alaska Peninsula and Joe Pletch's camp will  
41 have five cops come through, and all five hunters will  
42 pull their license out, and they'll get their telephone  
43 number and their social security number and their ID an  
44 permit number and on and on and on. Nothing is hid. So  
45 I don't think there's abuse at this point that I think  
46 you ought to take into consideration. And then if it is,  
47 then we need to go back and address it. We all kind of  
48 have an idea in our region what we do legal or illegally.  
49 And that's why have law. Thank you, Mr. Chairman. No  
50 questions for the legal department today, so.....

1 (Laughter)

2  
3 CHAIRMAN DEMIENTIEFF: Okay. Thank you.  
4 Staff Committee.

5  
6 MR. EASTLAND: Thank you, Mr. Chair. I'm  
7 Warren Eastland with the BIA for the Interagency Staff  
8 Committee.

9  
10 Our recommendation is to oppose the  
11 proposal. The recent action taken by the Alaska Board of  
12 Game will provide starting on July the 1st of this year  
13 regulatory change that will allow the sale of handicrafts  
14 made from brown bear fur, as do existing National Park  
15 Service regulations for brown bears that are taken on  
16 National Park land.

17  
18 Failure to adopt the proposed regulations  
19 will not deny the requested opportunity to Federal  
20 qualified subsistence users who wish to sell handicrafts  
21 made from brown bear because State regulations will allow  
22 for the sale of handicrafts made from the fur of a brown  
23 bear harvested under State regulations.

24  
25 The Federal threatened status of brown  
26 and grizzly bears in the Lower 48 States will require  
27 permits for the sale of brown bear parts, such as  
28 handicrafts, that would be taken outside of the borders  
29 of Alaska, and such a permitting process is not in place.  
30 Accordingly, there is no enforcement framework to limit  
31 the trade in brown bear handicrafts to those taken solely  
32 in Alaska, and permitting such trade without the proper  
33 permitting process would be contrary to wildlife  
34 conservation principles.

35  
36 We do recognize that in some locations it  
37 is traditional for cultural regalia to be adorned with  
38 brown bear fur and claws and for artisans to be paid for  
39 the production of such regalia. State regulations will  
40 permit such regalia to use both brown bear fur and the  
41 claws, although the claws may not be sold, but the claws  
42 must be provided by the person for whom the regalia are  
43 intended. And there is nothing in either Federal or  
44 State regulations that prohibits the transfer of brown  
45 bear claws purely as gifts.

46  
47 And that's the position of the  
48 Interagency Staff Committee. Thank you, sir.

49  
50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Department.

2

3 MR. HAYNES: Thank you, Mr. Chairman.  
4 The Department recommends the Board not adopt this  
5 proposal as recommended by the Interagency Staff  
6 Committee.

7

8 I was prepared to not discuss one of our  
9 major concerns. I was hoping that the clarification of  
10 the Federal definition of fur, Mr. LaPlant referenced it  
11 as referring to black bears only. If I look at the  
12 Federal definition of skin, hide, pelt or fur, it talks  
13 about -- it makes reference to bears generally. So if  
14 the Federal definition of fur is taken to include both  
15 black and brown bear such that the skin of a brown bear  
16 does not include the claws, then that becomes one less  
17 concern we have with this proposal. As long as the same  
18 Federal definitions are consistent, we believe that this  
19 eliminates one potential problem with the Federal  
20 regulation.

21

22 At its March 2004 meeting in Fairbanks,  
23 The Alaska Board of Game implemented a statewide  
24 regulation that authorizes the sale of handicraft items  
25 made from the fur of a brown bear. You have the same  
26 proposal before you today. And the main difference would  
27 be again if this definition of fur is not consistent. At  
28 the same time, because of the uncertainties surrounding  
29 just how this regulation will play out in practice, as  
30 you've also heard earlier today, there may be a challenge  
31 to the regulation, we would recommend at this time that  
32 the Federal board not adopt the proposal or similar  
33 proposals so that the State regulation can be more  
34 comprehensively evaluated for the possible effects it  
35 will have on subsistence uses and subsistence users and  
36 on wildlife in different areas of the State.

37

38 As has been previously pointed out, the  
39 existing State regulations as well as National Park  
40 Service regulations are available to all Federally-  
41 qualified subsistence users. They would not be affected  
42 by the absence of a Federal regulation. All Federally-  
43 qualified subsistence users as near as I can tell would  
44 have the opportunity to use brown bear hide skins to make  
45 handicraft items and sell handicraft items under State  
46 regulation or under the Park Service Regulations. So we  
47 don't believe opportunity would be lost for Federally-  
48 qualified users if the Federal Board chooses not to adopt  
49 this proposal at this time.

50

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. And  
4 then -- yeah, hang on a second. I forgot to note that  
5 Gloria is on the RAC and is sitting here as Ralph's  
6 designee. So I just wanted to point that out, so she is  
7 representing the RAC there. Okay. Dan.

8

9 MR. LAPLANT: Yes, Mr. Chairman, I just  
10 wanted to respond to Mr. Haynes' comment and clarify what  
11 I said earlier regarding the claws regulation and the  
12 definition of fur. As I said earlier, what we were doing  
13 is changing the definition of fur in the Federal  
14 regulation so that it's consistent with what the intent  
15 of the Board was in 2002. And I said it in the context  
16 of black bear, because that's the regulation that's  
17 currently in effect, as to the way the Board -- what the  
18 Board addressed in 2002. What the language in the  
19 definition will be fur, not specific to any species.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.

24

25 MS. GOTTLIEB: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: John -- oh, I'm  
28 sorry.

29

30 MS. GOTTLIEB: I'm sorry.

31

32 CHAIRMAN DEMIENTIEFF: John, go ahead.

33

34 MR. LITTLEFIELD: Thank you, Mr. Chair.  
35 I've been taking notes on all of these people that have  
36 testified, and I'd like to thank first Mr. Fleener for  
37 covering almost everything I had, but I did have some  
38 comments I wanted to make on the Interagency Staff  
39 Committee, and some of their language.

40

41 In the middle of their justification on  
42 Page 19, it says a decision to oppose the action on this  
43 proposal will be consistent with the recommendations of  
44 the Advisory Council who stated cultural objections. And  
45 as Mr. Fleener earlier talked about, we're not here to  
46 address cultural objections. That's not okay.

47

48 And then the other thing was he mentions  
49 in the Interagency Staff Committee the permit. Well, the  
50 CITIS permit only requires -- as far as I know, only

1 applies to the interstate shipment or to Federal -- or to  
2 foreign countries. If I was to ship a sea otter to  
3 Canada, I would have to have a CITIS permit, but that  
4 doesn't mean if I wanted to take a sea otter, I don't  
5 have to have one of those, unless we're in interstate or  
6 in between countries. So I just wanted to clarify that.  
7 So that should not be used as any kind of a justification  
8 for not approving this, because any of the trade within  
9 Alaska would not require one of those.

10  
11                   Some other notes that I took down is,  
12 first off, our job here, all of us, is to provide and  
13 protect for the subsistence opportunity. We do not have  
14 the job to protect for culture reasons, although I  
15 certainly recognize those cultural reasons. I'll talk  
16 about those in a minute.

17  
18                   It -- our job is also not to make -- take  
19 the sake of the bears in mind, as was mentioned by a  
20 previous speaker. That's not our job. We don't take the  
21 sake of a deer or a moose in mind. We're providing an  
22 opportunity for people to take them, but we're not to be  
23 concerned with how the bears are doing. That's not our  
24 job.

25  
26                   And most importantly, we're not here to  
27 mirror any kind of State regulations. It's been brought  
28 up a couple times that we want to mirror State  
29 regulations, and fur is a different definition and stuff  
30 like that, but that again is not our job, to provide  
31 opportunity.

32  
33                   And we're also not here, as Mr. Fleener  
34 said, to make it easy on enforcement agents. That's a  
35 separate issue. Totally separate issue. And if they  
36 can't enforce something, that's something they have to  
37 address. And if the claws and the gall bladder are a  
38 problem enforcement issue, then that's separate from  
39 providing the opportunity for the person to use all of  
40 the bear for the uses of handicrafts.

41  
42                   And lastly Mr. LaPlant for Staff  
43 mentioned that he was going to change the regs for the  
44 definition of fur. Well, I find that a little uneasy to  
45 swallow, because we're a Regional Advisory Council, and  
46 those regulations are published regulations. I -- and  
47 for somebody to say we were thinking about this  
48 differently then, and so we're going to change the regs.  
49 The regs are published. There's a procedure to take care  
50 of this. Similar to the 70/30 law we should go ahead and

1 go through the process to do this correctly, notice it  
2 and allow the Regional Advisory Councils to comment on  
3 whether the inclusion or exclusion of claws of brown bear  
4 is the definition of fur. So I would like to make sure  
5 that that works through the correct administrative  
6 procedures.

7  
8                   And lastly, we had, as was mentioned  
9 earlier, there were five Councils, Regional Councils who  
10 either supported this or said they were going to  
11 institute similar regulations on a regional basis. So my  
12 recommendation, Mr. Chair, is to take into account --  
13 this is kind of a win/win I'm hoping. Take into account  
14 those who had objections, Regional Councils who had  
15 objections, and my recommendation would be to move to  
16 adopt the language on Page 15, which is what I think you  
17 should be doing on all of these, but if you move to adopt  
18 that language on the top of there, and if you would apply  
19 that to Units 1 through 5, and I'll let other regions  
20 speak for themselves, if you will apply that to Units 1  
21 through 5 only, then you will have addressed the  
22 Southeast Alaska, you would have complied with our  
23 request, as well as all others who don't want to be  
24 included. If they don't want to be included, those units  
25 can opt out. That way your motion makes all of us happy.  
26 You only apply these regulations, and which we are  
27 completely willing to accept as a regional regulation by  
28 including the Units 1 through 5. If the other Councils  
29 want to -- the Eastern Interior wants to get on there and  
30 add their units, then this regulation also applies to  
31 those units. And those that do not want to apply can say  
32 they don't want to included, and you've supported all of  
33 the Regional Advisory Council recommendations.

34  
35                   And that's all I have, Mr. Chair. Thank  
36 you.

37  
38                   CHAIRMAN DEMIENTIEFF: Thank you. Judy.

39  
40                   MS. GOTTLIEB: Mr. Chair, I had a  
41 question about claws. So the way I'm understanding it,  
42 this proposed regulation, this proposal, includes claws.  
43 Is that right, Dan?

44  
45                   MR. LAPLANT: Mr. Chairman, Ms. Gottlieb,  
46 no, the proposal does not address claws. It asks for the  
47 sale of brown bear fur. And that takes us to what is the  
48 definition of fur. And as I stated earlier, under the  
49 State regulations they don't define fur. Under Federal  
50 regulations we have fur in the definition of hide and

1 skin. We say skin, hide and fur, and then we say claws  
2 are -- which includes claws attached. So we define fur  
3 in Federal regulations to include claws. State  
4 regulations are silent on whether claws are included,  
5 because they don't define fur. I don't know if I made  
6 myself clear there.

7  
8 MS. GOTTLIEB: Okay. So what we're  
9 talking about does include claws. The regulation that  
10 the Board of Game passed does not.

11  
12 MR. LAPLANT: The regulation that the  
13 Board of Game passed does not include claws, and the  
14 proposal doesn't specifically ask for claws. If you read  
15 the current Federal regulations, claws are included in  
16 the definition of fur, so that by default you could  
17 assume that if they were asking for fur, the current  
18 definition of Federal regulations includes claws, then  
19 they were asking for claws.

20  
21 If we go back and review the transcripts  
22 from the 2002 Board meeting where the Board passed the  
23 black bear regulation, they stated their intent was to  
24 mirror the State regulation, but we failed to make the  
25 adjustment in the definition of fur at that time. We  
26 didn't mirror the def -- the regulations of the State as  
27 the Board had asked us to, so that's why we have that  
28 difference now.

29  
30 MS. GOTTLIEB: Okay. I mean, because my  
31 understanding would be amongst other things, claws would  
32 be important in terms of handicraft, at least in terms of  
33 some of the ones that we've seen that people are using  
34 for personal use. And I guess just the history of the  
35 regulation within Park Lands is -- I think the  
36 regulations is probably about 20 years old, and I'm not  
37 aware of any abuses or major abuses.

38  
39 CHAIRMAN DEMIENTIEFF: Grace.

40  
41 MS. CROSS: I couldn't let this pass by.  
42 Thank you for letting me talk.

43  
44 On cultural objections, that one of our  
45 reasons, our main reason was cultural objection. I know  
46 that perhaps it should not be given much weight, but it  
47 is very much of our culture up there that subsistence  
48 comes with culture. There were objections to this  
49 because it's part of some of our people's culture. And I  
50 think that's all the more reason why this should be taken

1 on a regional basis. And I'm glad that the Federal  
2 Subsistence Program recognizes there are cultural  
3 differences out there, that we do take culture very  
4 seriously, that subsistence is tied in very, very closely  
5 in rural Alaska, at least in my part of the world with  
6 cultural things, so I would encourage that if you're  
7 going to do anything, that those that do not object to  
8 this would be -- this would be taken on a regional basis  
9 only, and perhaps like John said, make a decision now on  
10 those regions that would like to have it, complete it  
11 now, so that it would be done. Our region is not  
12 objecting to this because we don't want it. We're just  
13 saying that it should be taken on regional basis.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Yeah, I agree with  
18 your argument, but, you know, even though we don't have a  
19 motion, I support the proposal personally, but only want  
20 it initiated in the three regions that have asked for it.  
21 That leaves the other seven if they ever decide to, it  
22 would be there. But it would not be active in those  
23 regions. That's kind of the way I think at least from my  
24 perspective for discussion purposes that it should go.  
25 It's authorized, we've got the three regions that want it  
26 get it, and the other seven remain closed, but can come  
27 back with a proposal if they ever decide that they want  
28 to do it. So that just kind -- that's just my personal  
29 feelings on it. We don't have a motion in front of us  
30 but I'm kind of thinking -- I'm trying to think my way  
31 through this thing, and I do respect the three Regional  
32 Councils that have said that they want it, but I also  
33 respect the other seven that say they don't. But to get  
34 some kind of regulation on the book and authorize those  
35 three areas, fine. And the other people will still have  
36 the option at some time if they choose to, but that  
37 doesn't mean it's in effect in their region.

38

39 MR. EDWARDS: Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MR. EDWARDS: I don't know, it seems to  
44 me that there is some confusion as to what you can and  
45 can't currently now do. I notice in looking at the  
46 Southeast's comments, they express concerns about being  
47 able to refurbish or fabricate ceremonial items that were  
48 used, and expressed some concerns about could you pay an  
49 artist to take bear claws, for example, and make a  
50 ceremonial necklace out of them. And the answer to my

1 understand is currently you can do that. It would be no  
2 different than if I shot a duck and wanted to have a  
3 taxidermist mount it, I can certainly pay for that. So  
4 there's no prohibition. Currently this can be done. So  
5 I don't see a whole lot of, you know, comments were the  
6 concerns they can't currently even be addressed with or  
7 without the State's law, because the law allows you to  
8 use for personal use as well as barter or give of parts  
9 of wildlife now taken under subsistence.

10

11 It seems to me that that's really what's  
12 facing us is maybe the more fundamental question, was  
13 there a traditional use of making handicraft out of bear  
14 parts and then selling them, and I haven't heard one word  
15 today which indicated that there has been such historical  
16 use, and isn't that kind of the fundamental question that  
17 we should be addressing?

18

19 CHAIRMAN DEMIENTIEFF: John.

20

21 MR. LITTLEFIELD: Mr. Chair, I'd like to  
22 respond to that for the Southeast Regional Advisory  
23 Council. As Mr. Kitka, who is what they call a big man  
24 in his particular clan, stated, it is the tradition of  
25 the Tlingit people to have someone of the opposite moiety  
26 make something for you and then you would pay them for  
27 that. You don't have your own clansman make that for  
28 you. And it's completely -- that's the way it was in the  
29 past, that's the way it is today. You commission someone  
30 of the opposite moiety to make something for you, not  
31 necessarily bear claws, but any piece of regalia, and  
32 then you compensate those people for that. It's a paid  
33 position. So that's ongoing and it also has been past  
34 practice.

35

36 MR. EDWARDS: My only comment was, is  
37 that you can currently do that now without this  
38 regulation or without the State regulation. There's  
39 nothing to prohibit that. Unless I'm wrong. Because the  
40 law is very clear that subsistence parts can be made into  
41 handicraft, and they can be bartered, they can be used  
42 for personal use, and they can be given as gifts.

43

44 MR. LITTLEFIELD: As I mentioned earlier,  
45 I don't feel that we have to mirror State regs. This is  
46 talking about Federal bear in which there may or may not  
47 be differing regulations, and we want to utilize that  
48 whole bear. So there are differing. And if they happen  
49 to match, that's good.

50

1 MR. EDWARDS: My point is I think ANILCA  
2 clearly provides the use of handicraft that can be  
3 bartered, traded or used for personal use. So currently  
4 ANILCA allows the example that you provided.  
5

6 MR. FLEENER: Thank you. I think your  
7 example is right if you provide all the material  
8 yourself. If you don't have that material, then it  
9 doesn't work that way. So if you're going to have some  
10 regalia made for you by someone else, and you're not  
11 providing the raw material for that, then you're in fact  
12 buying those claws from him. You're in fact buying that  
13 handicraft fur from him. You're buying whatever parts  
14 are being used, and so that then makes it a commercial  
15 activity I assume. And what you're saying is that that's  
16 already in ANILCA to allow us to do that, then what are  
17 we talking about?  
18

19 MR. EDWARDS: No, my point is what you  
20 just suggested, I don't think this regulation would allow  
21 it either. It would only allow it if -- because all you  
22 can sell is handicraft parts. You couldn't sell  
23 handicraft parts to an artist who then takes and breaks  
24 those down and turns around and resells it.  
25

26 MR. FLEENER: That's why we've -- I think  
27 that's why this proposal is here, so you can have someone  
28 make something. I mean, that's just one example of  
29 something that can be done with it.  
30

31 CHAIRMAN DEMIENTIEFF: John.  
32

33 MR. LITTLEFIELD: Thank you, Mr. Chair.  
34 Go back to Page 15 again, and let's look at -- of course,  
35 the motion is at the top, but below that is the proposed  
36 regulation. And the Federal regulations, what we're  
37 talking about, not State or anything else like that,  
38 says, you may sell handicraft articles made from the fur  
39 of a black bear. That's the existing regulation, which  
40 under the existing regulation, fur includes claws. The  
41 proponent asked to have the word and grizzly bears, brown  
42 bears put in there, added to the regulation. That's all  
43 they ask for. And we support that so that the law is  
44 clear that we can use brown bear claws as well as black  
45 bear claws. The whole bear for handicraft articles,  
46 notwithstanding whatever the State regulations say. But  
47 we're talking about Federal regulations here, so I hope  
48 that makes it clear that -- you'll see what the proponent  
49 asks for, and that's what we're supporting, was to add  
50 the brown bears.

1                   CHAIRMAN DEMIENTIEFF: I mean, that's the  
2 way it's done at home, too, that people make things for  
3 use in, you know, potlatches and those kinds of things,  
4 and give those things away. But there are very many  
5 Native people who, one, don't have the skills, and they  
6 don't have the time to go and harvest the resource, but  
7 they do want to wear, you know, their traditional  
8 clothes. And they're sold all the time. I mean, from  
9 the materials up. I don't care if it's a marten hat, you  
10 know. I'll it from -- buy the skin from a trapper, and  
11 get -- you know, hire somebody to make the hat. And  
12 that's not a -- you know, that's just somebody who wants  
13 something. And they get paid for it. But, like I said,  
14 the other part about it, which I think -- I don't know,  
15 and I'm going to ask Keith to refer, but for a real  
16 subsistence use, which would be like taking a brown bear  
17 claws and stuff, and giving them out at a potlatch. To  
18 me that's a totally different thing, but it does happen,  
19 you know, on a limited commercial basis. So I'm just  
20 going to ask him to clarify that, and then I'll get to  
21 you. John -- I mean Keith.

22

23                   MR. GOLTZ: I'm not sure I caught the  
24 question.

25

26                   MR. BERG: Mr. Chair.

27

28                   CHAIRMAN DEMIENTIEFF: Well, we were  
29 talking about the legal authority issue that Gary was  
30 raising, whether or not that -- the things that they're  
31 asking for in this proposal can be done under existing  
32 regulation.

33

34                   MR. GOLTZ: I think they're asking to go  
35 an additional step. I was involved in a conversation I'm  
36 afraid, but what I heard Gary say was that you harvest  
37 the resource and give it to an artisan to craft for you.  
38 That's a different thing than buying on a commercial  
39 basis the fur and then giving to an artisan to craft.

40

41                   CHAIRMAN DEMIENTIEFF: John.

42

43                   MS. GOTTLIEB: Mr. Chair. I'm sorry.

44

45                   CHAIRMAN DEMIENTIEFF: I think John was  
46 going to go first.

47

48                   MR. LITTLEFIELD: Mr. Chair. I would  
49 refer you and the Board to Page 19 of the Interagency  
50 Staff Committee recommendations, second to the last line,

1 last paragraph. It says State regulations will permit  
2 such handicrafts to use both brown bear fur and claws,  
3 but the claws must be provided by the person for whom the  
4 regalia was intended. We're addressing that with this  
5 regulation. That's not necessarily so if we approve this  
6 regulation and that's what Mr. Fleener talked about.  
7 This clears up and it makes it legal for Mr. Kitka who is  
8 a big man to commission a set of bear ears for a  
9 potlatch, and he's -- and that's one of their clan  
10 emblems, so that's what this Federal regulation clears  
11 up, Mr. Chair.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Judy.

14

15 MS. GOTTLIEB: Mr. Chair, for Gary, you  
16 know, ANILCA allows lots of things, but we've also  
17 regulated many things which have created some  
18 restrictions, and so I think this is part of trying to  
19 clarify and provide for this opportunity.

20

21 MR. EDWARDS: But isn't there still an  
22 issue with regards to the historical sale of handicraft  
23 made from brown bear parts? And again, I didn't hear  
24 anything today which indicated there is historical  
25 evidence that brown bear parts were sold as handicraft.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Judy.

30

31 MS. GOTTLIEB: The way I understand it,  
32 and it won't exactly address your problem, your question,  
33 if a person legally takes a bear, and it has to be for  
34 personal and family consumption and use, and if they meet  
35 all the salvage requirements, they can make and sell  
36 handicrafts as defined by this proposed regulation. So  
37 it's kind of a multi-step process, but it can result in  
38 many purposes. But those have to go back to that it's a  
39 legally taken animal for personal family consumption.

40

41 MR. EDWARDS: But my question was is  
42 there historical evidence that it had been in the past  
43 handicraft from brown bears being sold.

44

45 MR. LITTLEFIELD: Yes.

46

47 CHAIRMAN DEMIENTIEFF: Go ahead, do you  
48 want to respond?

49

50 MR. LITTLEFIELD: Mr. Chair. I believe I

1 answered that question in the affirmative, and I stand  
2 behind that. And I believe we could ask Mr. Kit -- we  
3 don't have to, we can look in any number of books and  
4 they will document that that is a traditional practice  
5 for opposite clansmen to make the things that you give  
6 away at a party, similar to what Mr. Chair did. That's  
7 long-term history, and can be verified. I mean, if you  
8 don't want my word for it, I can find somebody else to do  
9 that.

10

11 MR. EDWARDS: No, I believe that, but you  
12 always could exchange parts as well as barter parts. The  
13 issue is the historically of selling parts.

14

15 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, Dan  
16 first and then Craig.

17

18 MR. O'HARA: Well, you know, I don't know  
19 if that's a good question or not, Gary, because, I mean  
20 that's one level to ask a question now. We can come back  
21 in a year and probably dig up the information if you want  
22 it, and I'll bet you it's there, because I see a lot of  
23 people wearing bear claw necklaces, and I'll bet you they  
24 paid a lot of money for it. So I'm sure, just like C&T  
25 findings, we can go find out. I think that's important.

26

27 CHAIRMAN DEMIENTIEFF: Craig.

28

29 MR. FLEENER: Thank you, Mr. Chair. I  
30 guess to relieve his question a little bit, yes, we have  
31 a practice of, one good example is bear claw necklaces.  
32 That was one I was going to point out where they're  
33 bought by people within at least where I live in the  
34 Eastern Interior.

35

36 In addition to that, a common practice up  
37 until real recently was to sell bear meat for dog food.  
38 It was -- bears were abundant as they are now, and people  
39 harvested lots of bears and fed them to their dogs. And  
40 so that was another use of bears, and they were sold. So  
41 there's two examples there. Now that, the bear meat for  
42 dog food isn't a handcrafted item, but it is an example  
43 of how bear meat was used in the old days, especially  
44 with I think the -- oh, what do you call those people?  
45 They used to bring in the mail on toboggans. I think  
46 they used a lot of bear meat for dog food as well.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Yes, Dan.

1 MR. LAPLANT: Yeah, Mr. Chairman. I'd  
2 just like to point out in the analysis on Page 22, it  
3 does state that the purchase and sale of hides and parts  
4 from -- was generally legal up until Statehood. In 1961  
5 it was prohibited by the State, so it was legal prior to  
6 1961. I have no information on the amount of activity  
7 that resulted in, but it was legal.

8  
9 CHAIRMAN DEMIENTIEFF: Yeah, when they're  
10 -- another example on another species, but I mean these  
11 things did happen. In addition to the mail carriers  
12 buying bear meat, you know, even moose meat was -- I  
13 think they were getting like 20 cents a pound when the  
14 railroad was coming through Nenana. That was their meat  
15 source. I mean, so those -- there is history of those  
16 kind of things happening, and you'd be hard pressed to  
17 call it barter, you know, so I just.....

18  
19 MR. LITTLEFIELD: Customary trade.

20  
21 CHAIRMAN DEMIENTIEFF: Customary trade,  
22 yeah. But those things did happen on a very large scale  
23 over a wide variety of the resources. Taylor.

24  
25 MR. BRELSFORD: Mr. Chairman, if I may,  
26 on behalf of Henri Bisson, the director for the BLM who  
27 was obliged to go to another meeting this afternoon, I'd  
28 like to focus on a couple of other issues. I think we've  
29 spoke about a couple of regions' specific practices, but  
30 I guess I'd like to say that I do believe the cultural  
31 objections of certain regions are relevant. I believe  
32 the charge of the Federal Subsistence Board is to provide  
33 for the subsistence practices, and where those practices  
34 are culturally unique in particular regions, I believe it  
35 serves us all to take those into account. So I believe  
36 where Councils have said, this does not constitute a  
37 subsistence practice in our view, I believe that ought to  
38 be a weighty proposition for us.

39  
40 Secondly, I heard the proposition offered  
41 that we ought not to be concerned about bear populations,  
42 and I really have to say I don't think that's a  
43 reasonable position. I believe ANILCA clearly imposes a  
44 conservation mandate on the Board and on the Regional  
45 Councils, and that is framed broadly in terms of  
46 conserving healthy populations, providing for non-  
47 wasteful subsistence uses. So I think the conservation  
48 issue does have to be on the table in our eyes.

49  
50 Thirdly, I heard it suggested that law

1 enforcement is not a legitimate consideration in this.  
2 And again I would have to say I think our reasoning  
3 process does in fact have to take into account the law  
4 enforcement context. In my view, that represents one  
5 component of the, quote, recognized principles of fish  
6 and wildlife conservation.

7  
8                   So in my mind, the issue before the Board  
9 is really a balancing act. There are historic episodes  
10 of market driven overharvest through the  
11 commercialization of subsistence resources. The market  
12 hunting in the Nenana area and the impact, the role that  
13 that played in the establishment of Denali National Park  
14 would be one example. There are international examples  
15 where key subsistence resources were commercialized  
16 without meaningful regulatory regimes, and those  
17 resources were driven into extirpation in some cases. So  
18 I think we ought to put all of the elements on the table  
19 and think about the balancing act. We want to provide  
20 for the legitimate subsistence uses in regions, and we  
21 want to listen and learn from Councils about what those  
22 uses are. At the same time, I think we do want to take  
23 into account what law enforcement tells us about market  
24 pressures and so on.

25  
26                   So at the end of the day, I'm sort of  
27 sitting here thinking about are subregional or region  
28 specific solutions possible, and are they sound, and I  
29 wonder if any of the agencies' law enforcement people are  
30 here today to add some light on the question of whether a  
31 regulation in three regions, Eastern Interior, Bristol  
32 Bay, Southeast, could go forward and be effectively  
33 implemented and appropriate protections, conservation  
34 protections be implemented with region-specific  
35 regulations. So, Gary, I don't know if you've got Staff  
36 available that might be able to address the question.

37  
38                   MR. EDWARDS: Well, we don't have any.  
39 We could certainly get them over here quickly, but I do  
40 think they would say that that in itself would be  
41 problematic, and then if you further complicate that of  
42 having it different from the State regulations, which one  
43 could keep theclaws and one couldn't, that would just  
44 add another significant layer on top of that it would  
45 seem to me. And I feel fairly comfortable that that's  
46 the answer they would give, but we can certainly have  
47 some folks over here probably within a half hour to  
48 address the question.

49  
50                   CHAIRMAN DEMIENTIEFF: Craig.

1 MR. FLEENER: Thank you, Mr. Chair. I  
2 personally don't think we need to bring the law  
3 enforcement guys over. I can give you an example -- I  
4 mean, I can tell you what they're going to say. They're  
5 going to say the same thing they've said with pretty much  
6 every proposal dealing with this issue or with  
7 liberalizing the harvest and sale of bear parts. They're  
8 opposed to it, because it's difficult to enforce.

9  
10 Now, when I was talking and when others  
11 have talked about not considering law enforcement, it's  
12 not that you exclude law enforcement. That's just not  
13 supposed to be the primary focus. And every time that  
14 we've brought up bear proposals, one of the primary  
15 reasons that we don't -- that the Subsistence Board  
16 doesn't support it, hasn't supported it, the same with  
17 the Board of Game, they haven't supported it because they  
18 say it's not enforceable. It's not enforceable? They  
19 haven't tried to enforce it. If it was legal in the  
20 State up until 1961, apparently they were -- they had  
21 some mechanism in place before then.

22  
23 Even with that in mind, our law  
24 enforcement abilities with regards to wildlife harvesting  
25 probably are far superior now than they were ever in the  
26 past. If we have a problem -- we didn't have boards and  
27 committees like we've got now. We didn't have people  
28 from every region in the State that sit on these  
29 committees who tell people when there's a problem. And  
30 we're perfectly situated when we see a resource crisis to  
31 come before you and say, hey, we've harvested too many  
32 bears because of this. Let's cut back. We've talked  
33 about numerous proposals today where people are concerned  
34 about wildlife population fluctuations or numbers going  
35 down. This is the proper place to handle it. We  
36 shouldn't sit here and be nay-sayers because we're afraid  
37 that something really bad is going to happen when we  
38 don't necessarily know. And it really bothers me to talk  
39 about the exact same thing year after year after year,  
40 oh, we can't do it, because the enforcement guys are  
41 afraid. I don't like that. I think if it can be agreed  
42 that it's a half-decent decision, then we don't want to  
43 do anything that's going to make it real hard on them,  
44 but we certainly shouldn't exclude something just because  
45 they say, gee, we can't enforce that. And that's my  
46 point with the law enforcement issue. We've got to have  
47 respect for those guys. They have a hard job to do. I  
48 understand that. But we shouldn't just eliminate some  
49 possibilities that are clearly supposed to be made  
50 possible in ANILCA. I think that's kind of bad.

1                   With the cultural sensitivity issue, you  
2 know, I talked about my problems with the Staff Committee  
3 using cultural sensitivity to support one Regional  
4 Council against another, and I appreciate what Grace had  
5 to say and what all the Regional Councils have to say  
6 about cultural sensitivity to these issues. We're also  
7 culturally sensitive on numerous issues. We have people  
8 within our region that are culturally sensitive to this.  
9 And we had a lot of discussion regarding the sensitivity  
10 to harvesting bears, and what the discussion ended up  
11 being was in areas where they're culturally sensitive,  
12 they won't participate in this. In areas where it's not  
13 so sensitive, they will participate, even within the same  
14 region. We can do that. And if they're sensitive to it,  
15 they don't have to participate in it. It's like catch  
16 and release fishing as I pointed out earlier. I don't  
17 participate in that because I don't think I should be  
18 playing with the food. And so I don't do that. It  
19 bothers me, it bothers my parents, it bothers my  
20 grandmother, so I'm not going to do. And it probably  
21 bothers the fish even most of all.  
22

23                   So I think -- the reason I wanted to talk  
24 about the cultural sensitivity issue was that I didn't  
25 want anybody to think that I don't care about the  
26 sensitivities of our neighboring communities or our  
27 neighboring regions. I do. And I respect those with all  
28 of my being. It's just a matter of we have some things  
29 that we want to do, and we're asking for some respect as  
30 well. Respect what we want to do. We do respect your  
31 cultural sensitivities. My issue was that the Federal  
32 Subsistence Board and the Staff Committee should not say  
33 we support the cultural sensitivity of one Regional  
34 Council over the cultural sensitivity or lack thereof  
35 from another Council. And that was all I was saying on  
36 that issue.  
37

38                   We also agree, we need to be concerned  
39 about population, and these are just basically answering  
40 Taylor's statements. Of course we don't want to ignore  
41 the populations. I mean, we'd be foolish to do that.  
42 We're here to protect subsistence opportunity, and if  
43 we're not taking care of the populations of wildlife out  
44 there, then we're not going to be having these animals in  
45 the future to talk about. And anytime we have a problem,  
46 we're going to bring it back. If we don't bring it back,  
47 one of these guys over here that manage all these  
48 millions of acres in Alaska are going to bring it back.  
49 And they're going to say, hey, we've got a problem, we  
50 need to cut back. That's what we're here for, and I

1 think we can do it.

2

3

Thank you, Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: John.

6

7

MR. LITTLEFIELD: I, too, need to respond to Taylor's comments. First, I thought I made it clear that we -- what I wished you to do was to exclude those reasons who had cultural objections. ANILCA clearly says that Native cultural existence is to be -- is part of ANILCA. It says that. Cultural existence. And if those Regional Advisory Councils say they don't want to be included, I support that, and I think that's what I said. I don't think I said anything different, other than that you add Units 1 through 5. I did not talk about the Eastern Interior. They can do that themselves, or Bristol Bay. I talked only about the Southeast Units.

19

20

We specifically addressed the conservation issue. In Southeast Alaska you can only take one bear every four years legally. Anything else is illegal. If you're taking one bear every year, that's illegal. That's an enforcement issue, and it can be enforced. But you should not just say -- I agree with Mr. Fleener. I've seen these at just about every Board meeting that I attend, National Marine Fisheries, whatever. You always hear this, the sky is falling, you guys are going to go out and harvest, well, we'll use the National Marine Fisheries, 20 halibut on 30 hooks. Now, we all know that that's the all-time record. Never been matched. Catch per unit effort in all history, it can't be done. Okay. And to suppose that we're going to do that is wrong.

35

36

If there is a problem, as he stated, the land managers will be on this very fast. And so these things that, oh, golly, we're going to break the law and all these things will be violated are before the fact.

40

41

And I think that you could institute this for Units 1 through 5. As we said, there's no conservation concerns. This is a benefit to the subsistence users in Southeast. It has negligible affect on the other use, non-subsistence users, and we have plenty of data to show that there's a whole bunch of bears down there, and that this is not going to be a conservation concern.

49

50

So I didn't want any misconceptions to

1 exist on Mr. Brelsford's comments. We agree with him,  
2 conservation and all.

3

4

MS. GOTTLIEB: Mr. Chair.

5

6

CHAIRMAN DEMIENTIEFF: Judy.

7

8

MS. GOTTLIEB: I would hope and assume  
9 this Board would never impose something that's against  
10 the cultural beliefs of our regions. And with that, I  
11 would put a motion forward that we support the Southeast,  
12 Bristol Bay and Eastern Interior Counsels'  
13 recommendations to apply this proposal in their regions  
14 only.

15

16

CHAIRMAN DEMIENTIEFF: There's a motion.  
17 Is there a second.

18

19

MR. KESSLER: Second.

20

21

CHAIRMAN DEMIENTIEFF: Yeah, as I said  
22 earlier, I really do support that motion. We don't want  
23 to impose on other regions that don't want it, and we  
24 will not. And I think your language is very explicit in  
25 terms of that. But there are three regions that do want  
26 it. And so the other seven will not have it in their  
27 areas, and that's the intent of the motion, is that  
28 correct, Judy?

29

30

MS. GOTTLIEB: Absolutely.

31

32

CHAIRMAN DEMIENTIEFF: Uh-huh.

33

34

MS. GOTTLIEB: And should other regions  
35 wish to pursue it, they will.

36

37

CHAIRMAN DEMIENTIEFF: Yeah, that will  
38 come on their own. But also it gives us a look. So  
39 we're not changing the -- it's not carte blanche to get  
40 out there and shoot, you know, bears, and overharvest  
41 bears. It's just allowing full utilization of the  
42 resources, which is fine in my estimation. So I will  
43 vote for the motion for those reasons.

44

45

MR. EDWARDS: Mr. Chairman, does that  
46 include claws or does not include claws?

47

48

CHAIRMAN DEMIENTIEFF: Well, only free-  
49 ranging claws.

50

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

(Laughter)

CHAIRMAN DEMIENTIEFF: Yeah, you'd -- yeah, I think it does. Is that the intent of the.....

MS. GOTTLIEB: As far as I understand, that is the Federal definition so it does include claws.

CHAIRMAN DEMIENTIEFF: Yeah. Okay. Terry, go ahead. I'm sorry.

MR. HAYNES: Mr. Chairman, I'm really confused now, because we have a major concern about the definition including claws. It was my understanding that there's been a re-interpretation of the intent of the existing Federal definition. I believe this needs some clarification, because there's a potential, as Mr. Edwards' has pointed out. We have different definitions of what constitutes brown bear fur in State and Federal regulations, and then we only have the Federal regulations apply to certain areas of the State. There is a potential for problems. And because claws are a very valuable item, I'm told they can sell for a substantial amount of money despite the fact that they're being fabricated out of plastic these days. I think we would feel much better if we understood just what the scope of this Federal regulation is going to be, if it's adopted, and if it includes claws then was Mr. LaPlant's interpretation of previous Federal Board action incorrect, or are you intending to change the Federal definition in this case?

MR. EDWARDS: Mr. Chairman, my understanding is if we went back and looked at the original language and the original intent when we passed the one with black bears, it seems to me that clearly the intent was not to include claws. We did. I guess I would argue that there was an administrative error made at that time, and that was really not the intent, and that the language that took place during those motions would support the fact that that was not the intent.

CHAIRMAN DEMIENTIEFF: Yes, Steve.

MR. KESSLER: I guess I -- on the question of the claws, I take a different approach to that. And it may have been the intent of the Board in a previous meeting to not include -- well, to match what the State regulation was let's say, but in fact we're in a position where claws have been in the definition of the

1 Federal Government, and claws have been considered  
2 throughout this whole regulatory process that we've gone  
3 through to consider WP04-01. And from that standpoint, I  
4 think that if we were to change this regulation, I think  
5 that -- and change the definition, I would prefer to have  
6 a full airing of that in front of the Regional Advisory  
7 Councils and go through a more formal process on that.

8

9

CHAIRMAN DEMIENTIEFF: Craig.

10

11

MR. FLEENER: Thank you, Mr. Chair. I  
12 guess I was -- if I look at the proposal correctly, it  
13 says allow the sale of handicraft articles made from the  
14 fur of a black bear and a grizzly bear. It seems to me  
15 like we could deal with this issue and deal with the  
16 definition issue later. I mean, the definition is not a  
17 part of the proposal. You can adjust that -- I  
18 understand Mr. Edwards concern about the definition and  
19 the State and everybody else's, but that's not part of  
20 our proposal. Our proposal is to basically give grizzly  
21 bear and black bear the same standing in the regulations,  
22 and I would recommend that you take care of the  
23 definition at a later point.

24

25

Thank you, Mr. Chair.

26

27

MR. EDWARDS: Mr. Chairman, my concern is  
28 that once we make the decision to allow -- also include  
29 bear claws, I think as with other parts of wildlife, for  
30 example bear gall bladders, we have a significant  
31 potential of increasing the harvest, and because of the  
32 high monetary value that those are. And I recognize that  
33 we have limits, as we do have limits in black bears, but  
34 that certainly has not prevented some of the abuses and  
35 the cases that have been made of black bears been taken  
36 illegal simply for the sale of their gall bladders.

37

38

CHAIRMAN DEMIENTIEFF: Thank you. Harry.

39

40

MR. WILDE: Yeah, Mr. Chairman, I've been  
41 sitting here, and never say nothing. You know, it's  
42 really understandable, just like I'm sitting here, and  
43 you guys try to feed me how to read the paper out of  
44 nothing. We understand as Native people. We meet our  
45 needs. We train our children, if you cannot use it,  
46 don't kill it. That's the way we train our children, and  
47 take them out and train them. I do know the people way  
48 down there where we're at there's a lot of bears and  
49 black bears. Go into our fish racks, taking our fish  
50 racks. It really have to need to be killed when we kill

1 something, because we learn a lot of things from our  
2 elders.

3  
4 One time I went up to above Marshall. I  
5 seen these families, they're making seal oil out of a  
6 black bear -- brown bear. They use their skin and  
7 everything. That's something that we don't really do  
8 down in our area, but we do, some of our elders, they use  
9 them for carving and all that. They don't throw it away.  
10 So we learn from them.

11  
12 Something that you cannot eat, you cannot  
13 use them for survive on, our elders tell us, don't touch  
14 it. Don't kill it. I think this is very understandable.

15  
16 Where the things that use them for parts  
17 and carve and all that, and the food, those people should  
18 be open for them, for those, what we call bear or brown  
19 bear especially.

20  
21 It really bothers me to listen to you  
22 guys. I think it's very understandable. Me myself, my  
23 Council say, we oppose it. We oppose it because in case  
24 there's a person that selling gall bladders. Mostly gall  
25 bladders. And some of them that they don't eat the brown  
26 bear, only black bear. So it really bothers me sometime  
27 that when the regulation come to be regulation, even  
28 though I couldn't use it, my people that I represent  
29 cannot use it, they're tie up on something that you would  
30 be able to use it somewhere else.

31  
32 Thank you, Mr. Chairman.

33  
34 CHAIRMAN DEMIENTIEFF: Thank you. John.

35  
36 MR. LITTLEFIELD: Mr. Chair. I'm looking  
37 at the proposal on the screens, and I believe that needs  
38 to be corrected, because it was consistent with the  
39 recommendation of those three Councils, but it doesn't  
40 say that it's limited to the units within those three  
41 Councils, and I think that needs to be made clear,  
42 because otherwise it would be statewide. So just -- I'd  
43 like to see that in there as a matter of the record.

44  
45 CHAIRMAN DEMIENTIEFF: That was in Judy's  
46 motion.

47  
48 MR. LITTLEFIELD: Well, that's not on the  
49 screen.

50

1 MS. GOTTLIEB: And not on the screen.  
2  
3 CHAIRMAN DEMIENTIEFF: Yeah. It's just  
4 -- yeah, that's just a typo. I'm sorry. We need to get  
5 that on there, because I do -- when she made the motion,  
6 it was only effective in those three regions. Go ahead,  
7 Steve.  
8  
9 MR. KESSLER: Judy, I know when you made  
10 the motion, you made the motion specifically for those  
11 regions that said support, and I was wondering what your  
12 thoughts were on Northwest Arctic who said, at least in  
13 the notes here, the Council would like to put this  
14 regulation in place for the Northwest Arctic Region?  
15  
16 MS. GOTTLIEB: Mr. Chair. Steve, I  
17 understand that they want to discuss it at their Regional  
18 Advisory Council meeting, but they didn't want to endorse  
19 it right now, so that was my understanding.  
20  
21 CHAIRMAN DEMIENTIEFF: Okay.  
22  
23 MS. GOTTLIEB: Mr. Chair.  
24  
25 CHAIRMAN DEMIENTIEFF: Yes.  
26  
27 MS. GOTTLIEB: I had a question or  
28 comment back to Craig. I respect what you're saying  
29 about people want to use the fur, and I guess our dilemma  
30 is two different definitions, one that's been published  
31 in our Federal book for however many years, and the  
32 current State one, and I don't know what flexibility or  
33 interest we have in changing that definition for  
34 publication for our next rule book or not.  
35  
36 CHAIRMAN DEMIENTIEFF: Craig.  
37  
38 MR. FLEENER: Thank you, Mr. Chair. I  
39 think that the definition has been accepted for I'm not  
40 sure how many years with -- for selling handicraft  
41 articles made by black bear, and just -- pardon?  
42  
43 UNIDENTIFIED VOICE: One year.  
44  
45 MR. FLEENER: One year, thank you. And I  
46 can say beyond a shadow of a doubt that in the Yukon  
47 Flats, the black bear population, although there haven't  
48 been any official counts of those bears, just by virtue  
49 of what people on the land are saying is that the bear  
50 population's rising. And so with that definition in

1 place we haven't seen a marked increase specifically so  
2 people can extract claws from black bears, and so of  
3 course that is only one year. I don't know how that's  
4 going to increase if it will, I know that we are well  
5 beneath the State's, target, I forget what it's called,  
6 target harvest number or something for the species, and  
7 we're probably at a fourth of the State's target harvest  
8 number. Which means that the population can be harvested  
9 four times what it's being harvested at now, and still  
10 not have a detrimental impact on the population.

11

12 So at least for my back year the black  
13 bear population is in good shape and the grizzly bear  
14 population is equally in good shape.

15

16 Thank you, Mr. Chair.

17

18 MR. BRELSFORD: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Taylor.

21

22 MR. BRELSFORD: As we move towards  
23 perhaps a vote on the Board members. I wonder if there  
24 might be additional support among the Board members if we  
25 were able to amend the current motion and so I would like  
26 to offer an amendment that would take the claws off the  
27 table.

28

29 So the amendment I would ask for the  
30 Board to consider would be to amend the language with the  
31 result that, you may sell handicraft articles made from  
32 fur of a Black and grizzly bear, not including claws in  
33 the regions that are specified.

34

35 My reason for offering that is, I think  
36 we do want to go slow in light of the conservation and  
37 law enforcement concerns here. This proposal would bring  
38 us to authorizing the use in three regions not 10 and it  
39 would align with the regulatory approach that the State  
40 has adopted, it would not go beyond that. My thought is  
41 that there may be a point in subsequent years if we're  
42 able to put the law enforcement and conservation  
43 questions to rest where additional flexibility might be  
44 appropriate. But I do think as step-wise process is a  
45 responsible resource management at this point.

46

47 So if there's a second, I guess the Board  
48 could consider that amendment.

49

50 MR. TONY: I second.

1                   CHAIRMAN DEMIENTIEFF: It's been moved  
2 and seconded, to adopt the claws clause. Further  
3 discussion.

4  
5                   MR. LITTLEFIELD: Mr. Chair.

6  
7                   CHAIRMAN DEMIENTIEFF: Yes.

8  
9                   MR. LITTLEFIELD: I think the record was  
10 clear that when the Regional Advisory Councils looked at  
11 this they considered claws to be part of fur. I don't  
12 think anyone had any misconception about that including  
13 the State. So this thing has already been through the  
14 procedures, everybody knew claws were in there until Mr.  
15 LaPlant said you were going to rewrite the regs. I still  
16 object to that, at least one Board member appears to  
17 object to that, too. We need to follow the  
18 Administrative Procedures Act that got us into trouble on  
19 the 70/30 composition and put that through the public  
20 process like it's supposed to be. You've got a published  
21 regulation let's withdraw it, but that means we've got to  
22 send it out to the Regional Councils, correctly. The  
23 Regional Councils have all commented on this that's their  
24 comment, don't be changing this after the fact, just as I  
25 oppose the Interagency Staff Committee changing Regional  
26 Advisory Councils, I oppose this too.

27  
28                   CHAIRMAN DEMIENTIEFF: Terry.

29  
30                   MR. HAYNES: Mr. Chairman. To the extent  
31 that the Regional Councils met after the Board of Game  
32 had taken action on this companion proposal, before it,  
33 this winter, the State's comments presented to the  
34 Regional Councils did indicate our concern about the  
35 claws issue. I can't speak specifically to what was put  
36 on the record at the Southeast Council meeting. But our  
37 comments presentations to the Councils have been very  
38 clear about this concern.

39  
40                   CHAIRMAN DEMIENTIEFF: Thank you. Paul.

41  
42                   MR. TONY: Thank you, Mr. Chairman. I'd  
43 agree with Mr. Littlefield, I think this is outside the  
44 scope of the proposal and I think if we were going to  
45 adopt a change like this it should start at the proposal  
46 level and go out to all the RACs, at least in the  
47 affected regions.

48  
49                   So I'm speaking against the amendment I  
50 guess.

1 CHAIRMAN DEMIENTIEFF: Are we ready to  
2 vote on the amendment. All those in favor of the  
3 amendment, please signify by saying aye.  
4  
5 MR. BRELSFORD: Aye. You asked aye?  
6  
7 CHAIRMAN DEMIENTIEFF: Yes.  
8  
9 MR. EDWARDS: Aye.  
10  
11 CHAIRMAN DEMIENTIEFF: All those opposed  
12 to the amendment, please signify by saying aye.  
13  
14 IN UNISON: Aye.  
15  
16 CHAIRMAN DEMIENTIEFF: Motion carried.  
17 Oh, motion fails, two to four.  
18  
19 We now have the main motion before us.  
20 Which is Judy's motion. Is there any further discussion  
21 on that.  
22  
23 MR. EDWARDS: Mr. Chairman. I'll just  
24 reiterate what I said before. I do think it's going to  
25 be very problematic, if we include bear claws for  
26 several purposes. And I recognize, and I think I can  
27 certainly support the proposal without that, but I think  
28 with including that, I think quite frankly we'll probably  
29 have a law enforcement nightmare as opposed to, I think  
30 with some individuals we may be starting a whole new  
31 industry.  
32  
33 So I'm going to vote against it.  
34  
35 CHAIRMAN DEMIENTIEFF: Okay. Are we  
36 ready for a vote then.  
37  
38 (Council nods affirmatively)  
39  
40 CHAIRMAN DEMIENTIEFF: All those in favor  
41 of the main motion, please signify by saying aye.  
42  
43 IN UNISON: Aye.  
44  
45 CHAIRMAN DEMIENTIEFF: Those opposed same  
46 sign.  
47  
48 MR. TONY: Aye.  
49  
50 MR. BRELSFORD: Aye.

1 MR. EDWARDS: Aye.  
2  
3 CHAIRMAN DEMIENTIEFF: You're opposed to  
4 the main motion. Four to two. Okay, what -- yeah, let's  
5 do a roll call. I thought I heard four ayes. There was  
6 a question on the votes.  
7  
8 MR. BOYD: Mr. Chairman. From my left to  
9 right. Mr. Edwards.  
10  
11 MR. EDWARDS: I vote, nay.  
12  
13 MR. BOYD: Mr. Kessler.  
14  
15 MR. KESSLER: I vote, aye.  
16  
17 MR. BOYD: Ms. Gottlieb.  
18  
19 MS. GOTTLIEB: Aye.  
20  
21 MR. BOYD: Mr. Tony.  
22  
23 MR. TONY: No.  
24  
25 MR. BOYD: Mr. Brelsford.  
26  
27 MR. BRELSFORD: No.  
28  
29 MR. BOYD: Mr. Chair.  
30  
31 CHAIRMAN DEMIENTIEFF: Aye.  
32  
33 MR. BOYD: Three, three.  
34  
35 CHAIRMAN DEMIENTIEFF: Okay, three,  
36 three. It's just the people that were in favor I guess  
37 were a lot louder than the opposition. The motion fails,  
38 that leaves us in limbo. We've spent a lot of time --  
39 yeah the action failed so that leaves us with a no  
40 action, with regard to Proposal 1.  
41  
42 MR. BOYD: The current regulations remain  
43 in place.  
44  
45 CHAIRMAN DEMIENTIEFF: Right the current  
46 regulations remain in place, with the possible future  
47 exception of Proposal 78, for Eastern Interior.  
48  
49 Okay, so we're going to go down to  
50 Western Interior. I believe we're on Proposal 62, is the

1 next one up. Staff analysis.

2

3

MR. LAPLANT: Proposal 62, Mr. Chairman.

4

5

CHAIRMAN DEMIENTIEFF: Yes, sir 62.

6

7

MR. LAPLANT: Okay. Again for the record  
8 my name is Dan LaPlant. Proposal 62, the analysis is  
9 found on Page 548 of the Board Book, excuse me 549 of the  
10 Board Book.

11

12 Proposal 62 was submitted by the Tanana  
13 Tribal Council. It asks for a nine day earlier Federal  
14 season in Unit 21(B), within the Nowitna National  
15 Wildlife Refuge. The current Federal season and the  
16 State season in this area for moose is September 5 to the  
17 25, for one bull. So again this is a proposal to add  
18 nine days to the beginning of the season in Unit 21(B),  
19 for one bull.

20

21 They would like the Federal season to  
22 begin on August 27th. They stated that the current  
23 season, excuse me, that the earlier season is needed to  
24 reduce the impact on subsistence hunters who have to  
25 compete with non-Federally-qualified hunters. If you  
26 look on the map on Page 10 of your map supplement  
27 package, it shows a picture of the Nowitna National  
28 Wildlife Refuge within Unit 21(B) and illustrating the  
29 Nowitna River which is where the majority of the hunting  
30 activity takes place.

31

32 Moose populations in this unit has  
33 declined, results of the fall 2003 moose surveys in the  
34 area shows a 15 percent annual declines in adult bulls  
35 and six percent annual declines in adult cows since the  
36 year 2000. Bull/cow ratios along the Nowitna River,  
37 again where most of the hunting takes place, is 15 bulls  
38 per 100 cows. The management goal in that area is 30  
39 bulls per 100 cows. So a significant reduction has  
40 occurred. Local, excuse me non-local hunting  
41 participation in this hunt has increased greatly in  
42 recent years.

43

44 In September 2003, 208 hunters checked  
45 into the Nowitna River check station, this number  
46 represents a 55 percent increase in total hunters, from  
47 the 2002 fall season, and a 51 percent increase over the  
48 previous 15 year average of 139 hunters. Refuge Staff,  
49 believe that the 2003 increase was a result of hunter  
50 displacement from other areas. In 2003 similar to recent

1 years, the number of hunters reported that they switched  
2 from the Koyukuk River to the Nowitna River, they've done  
3 this to avoid the crowding that and the requirement in  
4 the Koyukuk River to destroy the trophy value of the  
5 antlers under State Subsistence Regulations.

6  
7 So hunters have been migrating out of the  
8 Koyukuk area and into the Nowitna area.

9  
10 They've also stated that they've moved  
11 into the Nowitna area to hunt to escape the high density  
12 of hunters using all-terrain ATV vehicles near Fairbanks  
13 and the Matanuska/Susitna Valley. So they've moved out  
14 of the hunting in Fairbanks and the Matanuska/Susitna  
15 Valley to get a more remote hunting experience and get  
16 away from ATV use. So we've got hunters coming in from  
17 the Nowitna area, excuse me, from the Koyukuk area and  
18 hunters coming in from the more populated areas of  
19 Fairbanks and the Matanuska/Susitna Valley.

20  
21 While the total number of hunters has  
22 increased in the fall of 2003, the overall harvest rate  
23 recorded at the check station was equal to the previous  
24 15 year average of 33 percent. The 2003 harvest rate  
25 among the local hunters was 18 percent, and this is  
26 slightly above the 15 year average of 15 percent for  
27 local hunters. However the number of moose harvested by  
28 local hunters equaled the previous 15 year average, so  
29 the result is because of fewer local hunters  
30 participating, again, that's because of the increase in  
31 the activity by non-local hunters. They see that this  
32 competition and they've cut back on their efforts in that  
33 area. A total of 56 bulls was reported as harvested at  
34 the check station, this total does not include bulls  
35 taken along the Yukon River in 21(B), nor does it include  
36 hunters that access the Nowitna River by float plane. So  
37 those that have hunted along the river and have come out  
38 and stopped at the check station, they've counted 56  
39 bulls that have hunted, you know, using that method, but  
40 again, that doesn't include the total, is not a total  
41 harvest. Twenty-one hunters were from local villages, 80  
42 hunters were from Fairbanks, 80 were residents from other  
43 areas in Alaska and 26 hunters were non-resident hunters.  
44 So again a considerably large number of non-locals  
45 hunting in the area.

46  
47 The increase in hunting pressure in this  
48 area has been recognized by the State as well and as a  
49 result the Board of Game passed new regulations in March,  
50 which will require moose hunters to either use a draw

1 permit or a registration permit to hunt under State  
2 regulations in this area. There will be a very limited  
3 number of draw permits available, and the use of the  
4 registration permit will require trophy destruction.  
5 Similar permits have been required in the past, in the  
6 near by Koyukuk Controlled Use Area, and this has had  
7 local support, it's been very effective at reducing the  
8 number of non-local hunters in the Koyukuk area.

9  
10 So adoption of this proposal to open  
11 Federal Lands nine days earlier would have detrimental  
12 impacts, or I should say could have detrimental impacts  
13 on future productivity and recruitment, and ultimately  
14 diminish the number of moose available to hunters. This  
15 would provide additional hunting opportunity and the  
16 possibility of increased harvest there as a result.

17  
18 Refuge Staff are concerned that the early  
19 season would increase bull harvest more then what's  
20 sustainable.

21  
22 So the key points here in this analysis  
23 are that the recent Alaska Board of Game action has  
24 addressed the proponents concern by reducing the number  
25 of non-local harvest or by modifying regulations to  
26 encourage that reduction in non-local harvest.

27  
28 Additional harvests from the proposed  
29 nine day extension could have detrimental impacts on the  
30 population. The State regulations will place additional  
31 harvest restrictions on resident and non-resident  
32 hunters, and proposed regulatory changes may not  
33 adequately address the proponent's concerns.

34  
35 The last bullet means basically that the  
36 proposed action could result in overharvest causing  
37 population declines, and in the long run be detrimental  
38 to the needs of the local uses.

39  
40 Mr. Chairman, that concludes the  
41 presentation.

42  
43 CHAIRMAN DEMIENTIEFF: Thank you.  
44 Written Public comments.

45  
46 MR. RIVARD: Yes, Mr. Chair. There were  
47 two written public comments on this, they can be found on  
48 Page 548.

49  
50 The Ruby Local Fish and Game Advisory

1 Committee originally supported this proposal, but at a  
2 subsequent meeting in January of this year they reversed  
3 their recommendation and oppose the proposal. The basis  
4 of their reversal was because of the confusion between  
5 where State jurisdiction ends and Federal jurisdiction  
6 begins. They also thought the ADF&G proposal to the  
7 Alaska Board of Game to establish registration hunts  
8 would address the competition between local and non-local  
9 hunters.

10

11 The Koyukuk/Nowitna National Wildlife  
12 Refuge Complex also opposed this proposal as written.  
13 The Refuge understands that there may be cause for  
14 concern with the increase in the number of hunters  
15 through the Nowitna check station in Unit 21(B) in 2003.  
16 The Refuge is concerned that if this increase were to  
17 continue there's a potential to impact local hunters.  
18 While the number of hunters increased, the overall  
19 harvest rate recorded at the check station went down to  
20 27 percent from the 15 year average of 33 percent. The  
21 local harvest rate of 18 percent was slightly below the  
22 long term average of 21 percent. However the number of  
23 moose harvested equaled the long term average on four.  
24 Surveys conducted in 2003 show that while there has been  
25 a decline in the number of adult bulls, calf productivity  
26 and recruitment are up and the population is stable when  
27 compared to the 2001 data.

28

29 There has been extensive effort to align  
30 the State and Federal regulations and this proposal would  
31 bring those regulations out of alignment. The Refuge is  
32 aware of stronger conservation measures in upcoming State  
33 proposals which better address this management need.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. We  
38 have no requests for additional public testimony at this  
39 time. Regional Council recommendations. Let me see  
40 they're listed Western first, Eastern and then -- Western  
41 first and then Eastern.

42

43 MR. SAM: Thank you, Mr. Chair. Since  
44 the State Board of Game took action to create permit  
45 hunting within this area, I don't think this will -- this  
46 alone will address the competition issue, I'm pretty sure  
47 it will be addressed and managed by the Koyukuk/Nowitna  
48 Management team stationed at Galena.

49

50 And Eastern Interior met before we did

1 and we met at Huslia on March 9th. The permit system is  
2 in place on both the State and Federal lands, surrounding  
3 21(B), Ruby and Galena area, it's all color coded on the  
4 map and as far -- at this time the only thing I'm not  
5 sure of is what number they settled on. But we do have  
6 Mike Spindler here that could address this issue, because  
7 I think with that drawing permit system in line or  
8 similar to the one that we have on Koyukuk River, which  
9 we are only allowing 50 permits this year for outside  
10 hunters, so this alone would address -- this permit  
11 system alone would address that problem of competition  
12 and over use by outside hunters, they have to get a  
13 permit.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.  
18 Eastern.

19

20 MR. FLEENER: Thank you, Mr. Chair. The  
21 Eastern Interior supported this proposal, because it  
22 allows for local subsistence uses and users to have a  
23 earlier opportunity to meet their needs before the highly  
24 competitive State general hunt.

25

26 As was pointed out there was the State of  
27 Alaska who made their actions and our Regional Council  
28 decided not to wait to hear what their actions were  
29 before we decided, because we didn't have any idea what  
30 direction they were going to go. I don't recall any  
31 specific direction to change the proposal or to make any  
32 amendments to it, but I do sort of have a problem with  
33 the idea that the Staff Committee presented where we  
34 should not allow for subsistence users to have an earlier  
35 season to -- because they think that would cause  
36 overharvest and not really taking much action or really  
37 even addressing the fact of all of the outside hunting  
38 pressure that's going on, and so I just thought I'd bring  
39 that out, as well.

40

41 So I'm going to go with what's written in  
42 the book here. Thank you Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
45 Committee.

46

47 MR. EASTLAND: Thank you, Mr. Chair. My  
48 name's Warren Eastland. I'm the wildlife biologist for  
49 the BIA presenting the Interagency Staff Committee  
50 position.

1                   We oppose the proposal and suggest the  
2 requirement for the use of a State regulation permit,  
3 consistent taken by the Western Interior Regional  
4 Advisory Council. Adoption of this proposal as presented  
5 by the proponent could have additional adverse impacts on  
6 the already depressed bull moose population on the  
7 Nowitna National Wildlife Refuge in 21(B). The proposed  
8 nine day extension of the Federal Season would likely  
9 cause additional harvest of adult bulls. Results from  
10 the last three survey years revealed a decline in the  
11 adult bull population. Additional harvest to bulls could  
12 have detrimental impacts on future productivity and  
13 recruitment and ultimately may reduce moose numbers  
14 available to Federally-qualified subsistence users.  
15

16                   In seeking a exclusive Federal  
17 subsistence hunt early in the season the proponent sought  
18 to strengthen the priority for local subsistence users,  
19 in the face of increasing non-subsistence pressure, in  
20 the Nowitna River quarter. However, as noted above this  
21 is not justified with the current moose population  
22 status. Reductions in non-local hunting pressure are  
23 warranted in joint action with the Alaska Board of Game  
24 is the most effective means of reducing non-subsistence  
25 pressure. The Board of Game recently adopted regulations  
26 reducing non-local pressure through a drawing and a  
27 registration permit system which includes horn  
28 destruction as a disincentive to trophy hunting.  
29

30                   Regulations of this sort have been  
31 successful in reducing pressure in the nearby, Koyukuk  
32 River. Alignment of season dates and registration permit  
33 requirements between the Federal and State regulations is  
34 desirable to avoid enforcement issues that would  
35 otherwise arise in the Nowitna River quarter which is the  
36 area most used by the local subsistence hunters and as a  
37 result of in dispersed lands under Federal and State  
38 jurisdiction.  
39

40                   The Eastern Interior Regional Council  
41 recommendation to support the early additional season is  
42 not endorsed by the Interagency Staff Committee. In  
43 light of the biological information noted above, and the  
44 State actions to reduce non-local hunting pressure, the  
45 Eastern Interior Regional Council, is not -- the position  
46 of the Eastern Interior Regional Council is not supported  
47 by substantial evidence.  
48

49                   And I would like to make one minor  
50 correction, I apologize for calling it horn destruction

1 when it's antler destruction, I do know better.

2

3

Thank you, very much.

4

5

CHAIRMAN DEMIENTIEFF: Department.

6

7

MR. HAYNES: Mr. Chairman, thank you.

8

The Department supports the Western Interior Regional

9

Council recommendation to oppose this proposal.

10

11

12

I think the concerns we have, have been

13

pretty well addressed in the Staff Committee presentation

14

as well as Mr. LaPlant's Staff analysis. Concerns about

15

patterns being very mixed in this area. The Board of

16

Game, at it's spring meeting, implemented registration

17

and drawing permit hunts in Unit 21(B) and the Dulbi

18

River drainage portion of Unit 21(C) that we believe will

19

be an important first step in addressing some of the

20

competition concerns addressed in this proposal.

21

22

We're sorry that the Board of Game had

23

not taken action prior to the Eastern Interior Council

24

meeting so that that Council could have had the benefit

25

of evaluating the Board of Game action.

26

27

Hunters opting to participate in the

28

State's registration permit hunt will be required to

29

destroy the trophy value of the antlers. A limited

30

number of drawing permits will be issued to resident and

31

non-resident hunters who want to harvest an antlered bull

32

and not destroy the trophy value of the antlers. And

33

more specifically, Unit 21(B) under the new State

34

regulations has been divided into three hunt areas for

35

the drawing permit. The Nowitna River Corridor which

36

will have a 16 drawing permits for residents, four for

37

non-residents. In Unit 21(B) east of the Nowitna River

38

Corridor there will be 54 total drawing permits

39

available. And in 21(B) West of the Nowitna River

40

Corridor, 62 drawing permits will be available. In the

41

Dulbi River portion of Unit 21(C), 20 drawing permits

42

will be available.

43

44

Alignment of the State and Federal

45

regulations for this hunt, we believe is essential to

46

address the conservation issue and to simplify the

47

regulations, again, to due to the mixed ownership --

48

mixed land ownership patterns in the Nowitna River

49

Corridor. So we hope that, you know, we'd like to see

50

the new State regulation have a chance to work. We

1 believe it will have a similar effect as comparable types  
2 of regulations have had in the Koyukuk River area.

3

4 Thank you.

5

6 CHAIRMAN DEMIENTIEFF: Discussion. Gary.

7

8 MR. EDWARDS: Mr. Chairman. I'd just  
9 like to ask Mr. Fleener, I mean if the State would have  
10 done their action prior to your meeting, do you think the  
11 outcome would have been different or is it kind of  
12 unclear?

13

14 MR. FLEENER: Mr. Chair, thank you.  
15 Unfortunately I haven't consulted with the Tanana Tribal  
16 Council to really speak wisely about this situation  
17 that's why I stuck with the comments in the book. I'm  
18 sure our deliberations would have been different if there  
19 were substantial reductions in the amount of people  
20 coming in. I just don't have the authority to change the  
21 decision of the Council.

22

23 Personally I'm certain that it's going to  
24 help, however, I've always supported broad seasons, I  
25 support year-round seasons actually for subsistence  
26 hunters, and so the intent there is that I generally stay  
27 within the bag limits, if possible, and so I think that  
28 will happen in most cases. And I think that in this  
29 place, additional outside pressure is probably what's  
30 doing a lot of damage to the overall status of the  
31 population.

32

33 But without Tanana Tribal Council's  
34 permission, and the Eastern Interior, I don't want to say  
35 much more than my personal opinion.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Further  
40 discussion. Paul.

41

42 MR. TONY: Yeah I've got a couple  
43 questions. One is, I'm not that familiar with the RAC  
44 boundaries. Which RAC does the Nowitna fall within?

45

46 MR. SAM: Both Western and -- I mean the  
47 hunting area is within the Western Interior Region but  
48 the proponents of this proposal comes from Tanana, which  
49 is in the Eastern Interior.

50

1                   CHAIRMAN DEMIENTIEFF: Which actually  
2 they're the closest to the Nowitna, Tanana, the community  
3 of Tanana is.

4  
5                   MR. TONY: My other question, Mr.  
6 Chairman, was I'm just trying to understand, I kind of  
7 took exception to the comment that something about the  
8 local harvest, causing -- if this were adopted causing an  
9 overharvest, and looking at the numbers that are on Page  
10 552 of my materials, just looking at the averages, I mean  
11 123 of the 144 hunters that are shown on this on an  
12 average over the period from 1988 to 2003 are either  
13 from, you know, they're not from the local villages,  
14 they're from Fairbanks, other residents or non-residents,  
15 and that doesn't even count the fly in people who are  
16 definitely probably non-residents -- non-local people.  
17 I'm just wondering how you could say that on an average,  
18 you know, 21 average hunters are going to be  
19 overharvesting when you've got all of this incredible  
20 pressure from people coming from urban communities, from  
21 Fairbanks, from, you know flying in from other locations,  
22 it just kind of flies in the face of reason, I guess and  
23 I'm trying to understand the remark.

24  
25                   CHAIRMAN DEMIENTIEFF: Yeah, I think you  
26 raise a good point, because this is also an area that I  
27 know very well. There are well established camps on that  
28 river by people from outside that use it yearly, you  
29 know, they use their camps yearly. Flying in there,  
30 whatever, boat, whatever but they're there every year.  
31 So, it's a good point that you raise anyway Paul.

32  
33                   Further discussion.

34  
35                   MS. GOTTLIEB: Mr. Chair. Perhaps a  
36 question for Gary, Fish and Wildlife Service. It seems  
37 like what's being requested is opening the season in the  
38 Refuge earlier, so do we have any statistics on what the  
39 take normally is in the Refuge and whether that might  
40 make any difference to open it earlier?

41  
42                   MR. EDWARDS: I'm told that that's in the  
43 analysis, I can't tell you where. And we do have the  
44 Refuge manager here who is going to speak to the next  
45 issue but I'm sure Mike could speak to this one also.

46  
47                   CHAIRMAN DEMIENTIEFF: Dan.

48  
49                   MR. LAPLANT: Yes, Mr. Chairman. I can  
50 start addressing it and then Mike can supplement it when

1 he gets up here. The check station information that I  
2 quoted here from the analysis would be primarily harvest  
3 that took place on the Refuge, because the people  
4 stopping at the check station are those that floated down  
5 on the Nowitna River which comes through the heart of the  
6 refuge. Now, there's potential that some of that could  
7 have been harvested on some of the private lands, some of  
8 the State lands, under State jurisdiction, but a majority  
9 of that would have been harvested from the Refuge lands.

10

11 CHAIRMAN DEMIENTIEFF: Mike.

12

13 MR. SPINDLER: Thank you, Mr. Chairman,  
14 Board members. My name is Mike Spindler, I'm the Refuge  
15 Manager for Koyukuk/Nowitna Refuge in Galena. I've been  
16 manager for three years and before that biologist there  
17 for 12 years. I'm pretty familiar with the situation and  
18 the hunting patterns on the Nowitna, I've done law  
19 enforcement patrols, I've done wildlife surveys there  
20 over the last 15 years.

21

22 You are correct, Mr. Chairman, there are  
23 some long established camps there along the Nowitna River  
24 both by local people from Ruby and Tanana as well as  
25 people from Fairbanks. Those camps pre-date  
26 establishment of the Refuge in 1980. A number of those  
27 families from Fairbanks have been going there for 30  
28 years, as well.

29

30 The statistics that you were questioning  
31 are the Nowitna hunter check station statistics and so  
32 it's the best data set we have for the Nowitna Refuge.  
33 And you are correct also in pointing out that the local  
34 hunter numbers have been fairly stable over the years and  
35 the non-local hunter numbers are the ones that have  
36 grown. That is why in our analysis, separately from the  
37 OSM Staff analysis, we believe that the State of Alaska's  
38 solutions by placing the registration permit hunt  
39 requirements and the drawing permit hunt requirements  
40 would alleviate that rapid growth in the number of non-  
41 local hunters.

42

43 I's also like to point out that the  
44 Nowitna Refuge extends all the way from Ruby to Tanana  
45 essentially on the south side of the Yukon River, there's  
46 mixed land status near Ruby, there's also mixed land  
47 status near Tanana. It's this are of mixed land status  
48 where we have some concerns because moose are being  
49 mainly a flood point animal generally below -- found  
50 below mean high water and the local hunting techniques

1 are to go along the rivers. So if you're hunting below  
2 mean high water, but within what you think are Federal  
3 lands you may think you are good by the Federal  
4 regulations that allow -- the proponent's regulations  
5 that would allow a nine day early opportunity. But in  
6 actuality you're hunting in State jurisdiction and then  
7 you're hunting outside of the Federal regulations, so  
8 there's a great potential for confusion there in the  
9 mixed land status areas.

10

11 Another thing I would like to point is,  
12 based on what happened when you the State implemented the  
13 drawing permit hunts on the Koyukuk approximately five  
14 years ago. The amount of participation by people from  
15 the villages gradually increased as competition in the  
16 Koyukuk diminished, participation on the Koyukuk Refuge  
17 increased. So people shifted their hunting from near  
18 their village to further up the Koyukuk River. There are  
19 some families in Ruby and Tanana that have long hunted  
20 along the Nowitna River that have ceased to hunt there  
21 because of the competition. We believe and we've  
22 actually spoken to several of those families, several  
23 people of our Staff have relatives in Ruby and in Tanana,  
24 they did say that those families would begin hunting back  
25 on the Nowitna if the competition was diminished.

26

27 So at this point our analysis and  
28 recommendation is to allow time for the State's solution  
29 to appear to try to let it work and then if not then  
30 we'll have to revisit it.

31

32 Thank you, Mr. Chairman.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

35

36 MR. TONY: Yeah, so that in the comments  
37 then who submitted the comments that are attributed to  
38 the Koyukuk/Nowitna National Wildlife Refuge Complex. Do  
39 you know who that would be?

40

41 MR. SPINDLER: Yeah. That would be under  
42 my responsibility, sir.

43

44 MR. TONY: And at the end there it  
45 alludes to the Refuge is aware of stronger conservation  
46 measures in upcoming State proposals which better address  
47 this management need and I was curious what that referred  
48 to.

49

50 MR. SPINDLER: Yes, Mr. Tony. That

1 refers to the proposals that were passed by the Board of  
2 Game in this last cycle to implement a registration  
3 permit hunt and a drawing permit hunt.

4

CHAIRMAN DEMIENTIEFF: Ron.

5

6

7 MR. SAM: Yes, I think I would like to  
8 commend the State Board of Game for implementing this  
9 permit and registration hunt. Because the last two years  
10 on the Koyukuk we were issuing 250 permits, this year we  
11 are issuing only 50 permits, you know, where that will  
12 go, so this will protect the Koyukuk/Nowitna moose range.

13

Thank you, Mr. Chairman.

14

15

16 CHAIRMAN DEMIENTIEFF: Further  
17 discussion. Somebody prepared to make a motion. I'm  
18 sorry, Wayne.

19

20

MR. REGLIN: Thank you, Mr. Chairman.  
21 The State of Alaska has worked really closely with the  
22 Western Interior RAC, with all the local Advisory  
23 Committees in the area and the stakeholder process and I  
24 think it's been really successful. We'll see in this  
25 area in general, we'll see how it works right here. But  
26 I think there's certain places where the State  
27 regulations are probably more appropriate to use than the  
28 Federal regulations where you have this real mixed  
29 ownership of land so that the local hunters know where,  
30 you know, the seasons are the same and they can go to  
31 their traditional areas not worrying about whether it's  
32 on State land, private land or Federal Lands. So I think  
33 that we've got a really good system put together working  
34 with all of the local stakeholders.

35

36 I think we're all proud of it and I think  
37 it's going to work really well for us.

38

39

Thanks.

40

41

CHAIRMAN DEMIENTIEFF: Gary.

42

43

MR. EDWARDS: Mr. Chairman. I would move  
44 that we would adopt Proposal 62, with the modification  
45 that would retain the current season and harvest limit  
46 and require the use of a State registration permit in  
47 Unit 21(B), which I think is consistent with the intent  
48 of the Western Interior. I think we heard concerns about  
49 an extended season on top of an already depressed moose  
50 population, I think what we're really trying to do here

1 is to reduce the pressure as opposed to extending the  
2 timeframe, so that would be my motion.

3

4 CHAIRMAN DEMIENTIEFF: Okay. There's a  
5 motion, is there a second.

6

7 MR. BRELSFORD: I'll second the motion.

8

9 CHAIRMAN DEMIENTIEFF: There was an  
10 incident several years back where somebody had shot a  
11 moose under more liberal Federal regulations in that area  
12 and the moose fell down in the winter. It was a winter  
13 hunt and Tanana Chiefs defended the hunter, the line was  
14 right there was State and the State prosecuted and we  
15 defended the guy's position by saying no he got the moose  
16 on Federal land a frozen column of Federal jurisdiction,  
17 a lake that had frozen in the wintertime any way. So  
18 these are the kind of things we have to deal with  
19 sometimes.

20

21 (Laughter)

22

23 CHAIRMAN DEMIENTIEFF: I really have  
24 mixed emotions about this. I view it as a management  
25 tool. It's clear that the locals are going to get out if  
26 we adopt the proposal that we're going to have some  
27 knowledge on what the locals are getting, which helps to  
28 make the decision with regards to the drawing permits.  
29 And as we look at this in the future I think we need to  
30 get that information, I think that's part of our job as a  
31 Board in implementing the subsistence priority, so -- and  
32 doing our jobs. It just occurs to me that the locals are  
33 hunting then we get that information, the State gets it  
34 and put it back there, their permits. I look at it as a  
35 management tool.

36

37 Ron, did you have something.

38

39 MR. SAM: Yes. This system is designed  
40 to protect the subsistence users and the local resident  
41 hunters. There are so many permits already issued to the  
42 locals and few outside ones, are so limited. But if you  
43 are going to adopt this Proposal 62, under Eastern  
44 Interior's recommendation, I think that point would be  
45 moot anyway, because we already have that permit system  
46 within that area. Is that true or would that nine day  
47 season still be nine days early season still be in  
48 effect, because I think that it may be moot if we go into  
49 that permit system.

50

1                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
2 other discussion on the motion.  
3  
4                   MR. EDWARDS: Mr. Chairman. I just  
5 wanted to clarify. What I did, I approved the motion but  
6 I amended it to maintain the current system -- season,  
7 which is consistent with your recommendation. I was just  
8 trying to figure out the proper language to lead with the  
9 proposal and then modify it. Whether I did it right or  
10 not I don't know, but I'm working on it.  
11  
12                   MR. SAM: Okay.  
13  
14                   CHAIRMAN DEMIENTIEFF: Any other  
15 discussion.  
16  
17                   (No comments)  
18  
19                   CHAIRMAN DEMIENTIEFF: Hearing none all  
20 those in favor of the motion signify by saying aye.  
21  
22                   IN UNISON: Aye.  
23  
24                   CHAIRMAN DEMIENTIEFF: All those opposed  
25 same sign.  
26  
27                   (No opposing votes)  
28  
29                   CHAIRMAN DEMIENTIEFF: Motion carries. I  
30 do consider it a work in progress too. I don't think  
31 we're quite done with this issue, but this is our first  
32 look at it. We don't have enough time to get into the  
33 rest of the issues in Western so we'll come back at 8:30  
34 in the morning and take those issues up.  
35  
36                   So, everybody have a nice dinner and get  
37 a good nights sleep and we'll have the same kind of fun  
38 tomorrow at 8:30.  
39  
40                   (PROCEEDINGS TO BE CONTINUED)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

C E R T I F I C A T E

UNITED STATES OF AMERICA            )  
  )ss.  
STATE OF ALASKA                        )

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 144 through 288 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Salena Hile on the 20th day of May 2004, beginning at the hour of 8:30 o'clock a.m. at the Millennium Hotel in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 28th day of May 2004.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 3/12/2008 \_